

**STATE OF RHODE ISLAND  
OFFICE OF ATTORNEY GENERAL  
2015 ANNUAL REPORT**



***Peter F. Kilmartin***

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**ATTORNEY GENERAL**

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*The Attorney General of Rhode Island is the attorney and advocate for the people of Rhode Island. Whether prosecuting a criminal case, defending the state in a civil forum, representing the public in a regulatory function, or serving as advisor, the Office exerts every effort to serve justice and the public interest within the confines of our adversary system.*

*All employees discharge the privilege and honor of public service in this Office by:*

- upholding the Constitution and laws of the United States and of Rhode Island;*
- treating all persons with dignity, respect and fairness;*
- serving the people of this State with excellence and integrity; and*
- protecting the public interest and safety.*

Greetings;

As Attorney General, it remains my first and top priority to uphold the laws of this state and protect each and every citizen, no matter race, religion, or economic background. To that end, the Office of Attorney General accomplished a great deal last year in meeting its obligations to the citizens of Rhode Island.

In the past year, we continued to aggressively prosecute violent offenders in our communities, stepped up efforts to root out fraud and abuse in our social service safety net programs, and took steps to address the heroin and opioid crisis in our state.

In partnership with Providence Police and several federal law enforcement agencies, we arrested and prosecuted more than two dozen known gang members who trafficked cocaine and heroin in Providence and surrounding communities. In addition, we indicted an individual for murder for knowingly selling fentanyl-laced heroin that killed a young woman battling addiction.



With the US Attorney's Office, we successfully prosecuted elected officials who violated the public's trust and abused the office which they were elected to serve, and have teamed up to target sex traffickers and those who forcefully enslave others, especially young women, in the commercial sex trade.

Recognizing the importance of educating our young people on safe and smart behaviors, we continued the very successful "It Can Wait" public service campaign teaching young drivers the dangers of distracted driving and expanded the "TakeCharge of Online Bullying" program to several middle schools across the state.

Our Office continued to serve as a steward of our environment and as a strong proponent of national guidelines for greenhouse gas emission reductions, which are necessary to maximize both emissions reductions and incentives for development of cleaner energy sources.

Our accomplishments would not be possible without the dedicated staff that works with great pride at the Office of Attorney General. It is the more than 230 men and women – attorneys, victim advocates, support staff, and investigators – who make the Office of Attorney General a government agency that the public can be proud of.

Moving forward, it remains my priority to provide each citizen of Rhode Island with the opportunity to live and work in a safe and secure community, to serve with honor and integrity, and to uphold the laws of this great State without fear, favor, or ill will.

Sincerely,

A handwritten signature in black ink that reads "Peter F. Kilmartin". The signature is written in a cursive, flowing style.

Peter F. Kilmartin



## Table of Contents

<b>History and Major Responsibilities</b>	2
<b>2015 Highlights</b>	3
<b>Executive and Administrative Divisions</b>	34
<b>Bureau of Criminal Identification</b>	36
<b>Civil Division</b>	40
Antitrust Unit	40
Charitable Trust Unit	40
Civil Rights Advocate	41
Consumer Protection Unit	42
Environmental Advocacy Unit	42
Health Care Advocate	44
Insurance Advocacy Unit	45
Legal Counsel to the Contractors' Registration and Licensing Board	46
Open Government Unit	47
Public Utilities Regulatory Unit	47
Tobacco Enforcement Unit	48
<b>Criminal Division</b>	50
Adult Diversion Unit	55
Adult Drug Court	55
Appellate Unit	56
Child Abuse Unit	57
District Court (Providence County)	58
Domestic Violence and Sexual Assault Unit	59
Elder Abuse Unit	60
Intake Unit (Providence County)	61
Juvenile Prosecution Unit	61
Kent County Office	63
Medicaid Fraud and Patient Abuse Unit	65
Narcotics and Organized Crime Unit	65
Newport County Office	67
Traffic Safety Resource Prosecutor	68
Victim Services Unit	69
Washington County Office	70
White Collar Crime and Public Corruption Unit	71
<b>Appendix of Significant Civil and Criminal Cases</b>	73
<b>Superior Court Case Statistics (2015)</b>	96



## **History**

The Office of Attorney General was first created in Rhode Island in May 1650. Since its inception, the Office has been an elected position, except for a brief period from 1740 to 1742 when the charter allowed for the appointment of a King's attorney for each county. In 1842 the Rhode Island Constitution formally adopted the Office of Attorney General.

The Office, established under the Rhode Island Constitution, is one of the five general officers subject to election by voters. The powers and duties of the Attorney General are derived from Article IX, Section 12 of the Constitution of the State of Rhode Island, Chapter 9 of Title 42 of the General Laws of Rhode Island, as amended, and the Common Law.

## **Major Responsibilities**

The Attorney General is the top legal official in Rhode Island. As the State's top prosecutor, the Attorney General fights to enhance the economic security of Rhode Island, protect the public safety of our communities, and restore the public trust in state government by fighting corruption.

As the central legal agency of the State, the Office of Attorney General is responsible for prosecution of all felony criminal cases and misdemeanor appeals, as well as prosecution of misdemeanor cases brought by state law enforcement agencies.

Additionally, as chief legal officer of the State, the Attorney General represents all agencies, departments, and commissions in litigation, and initiates legal action where necessary to protect the interests of Rhode Island citizens.

The Office of Attorney General is also charged with operating and maintaining the Bureau of Criminal Identification, which is the central repository for all criminal records in the State.

## **2015 Highlights**

### **Addressing the Opioid Abuse and Addiction Crisis**

Rhode Island, like every other state in the nation, is struggling to deal with a public health and safety epidemic: the abuse of and addiction to opiates, specifically, legally prescribed opiates, prescribed opiates that are diverted for illegal purposes, and the street opiate of choice - heroin.

In recent years, Rhode Island has seen a spike in overdose deaths related to opioids and heroin. Attorney Peter Kilmartin used his position to advocate for stronger laws and greater funding for substance abuse programs.

### ***Attorney General Kilmartin Leads NAAG Conference on the Opioid Addiction Crisis***



As Chair of the National Association of Attorneys General (NAAG) Eastern Region, Attorney General Kilmartin selected the opioid crisis as the topic for the NAAG Eastern Region Annual Conference. Held in New York City in October, conference presenters and attendees tackled complex subjects from current trends and ways to collaborate on policy initiatives, prescription drug monitoring programs, gathering intelligence, social media investigation, and drug purchases on the dark web.

Locally, Attorney General Kilmartin serves on the Governor's Overdose Prevention and Intervention Task Force with key stakeholders in areas of government, public health, recovery, and prevention to craft sustainable solutions to address the opioid abuse and addiction crisis in Rhode Island.

### ***Attorney General Kilmartin Urges Passage of Comprehensive Addiction and Recovery Act***

Attorney General Kilmartin spearheaded a National Association of Attorneys General initiative to urge the passage of the federal Comprehensive Addiction and Recovery Act (S. 524) as a personal commitment to the late Jim Gillen, a well-known and outspoken advocate for addiction recovery in Rhode Island. Attorney General Kilmartin and Gillen spoke at length about the resources needed to properly assist those struggling with addiction and recovery at a roundtable discussion at Anchor Recovery Center, which was attended by Senator Sheldon Whitehouse, the lead sponsor of the Act.

The Comprehensive Addiction and Recovery Act will:

- expand prevention and educational efforts;
- expand the availability of Naloxone to law enforcement agencies and other first responders to help in the reversal of overdoses to help save lives;
- expand resources to identify and treat incarcerated individuals suffering from addiction disorders promptly by collaborating with criminal justice stakeholders and by providing evidence-based treatment;



- expand disposal sites for unwanted prescription medications to keep them out of the hands of children and adolescents;
- launch an evidence-based opioid and heroin treatment and intervention program to assist in treatment and recovery throughout the country; and
- strengthen prescription drug monitoring programs to help states monitor and track prescription drug diversion and to help at-risk individuals access services.

"We know that addiction is a treatable disease, but we also know that only about 10 percent of those who need treatment are receiving it. And, while heroin and opioid abuse are the primary concerns for states right now, we must move beyond simple responses to drug trends and emerging threats, and concentrate on improving addiction treatment and recovery nationwide," said Attorney General Kilmartin.



In March 2016, the U.S. Senate passed the Act. The U.S. House of Representatives has yet to take action.

#### ***Attorney General Kilmartin Secures Rebate for Naloxone***



In the past five years, the rate of overdose in Rhode Island has increased by 73 percent. The clear public health need for intervention became the origin of several community-based and then subsequently, private, state, and municipal-supported efforts to expand the availability of Naloxone, the "overdose reversal drug," to anyone in need of overdose prevention medication, to those at risk of overdose, and to first responders.

As demand for Naloxone grew here in Rhode Island and across the country, supply diminished and the price increased. In order to secure the affordability and availability of Naloxone, Attorney General Kilmartin reached an agreement with Naloxone manufacturer Amphastar Pharmaceuticals, Inc., to offer rebates for each syringe dose of Naloxone purchased by eligible agencies and community programs in Rhode Island.

Attorney General Kilmartin and Amphastar Pharmaceuticals, Inc., executed an agreement that requires the company to offer a \$4 rebate for each Naloxone kit (syringe dosage only) purchased by non-federal government agencies in Rhode Island. Eligible entities include state agencies, municipal governments, state and municipal law enforcement agencies, emergency medical service agencies, or non-profit community based programs.

"We know Naloxone saves lives, but as the demand for the medication has increased, the cost has become prohibitive for many," said Attorney General Kilmartin. "This agreement helps secure the affordability and availability of Naloxone, and as such, will help save the lives of more Rhode Islanders."

As part of the agreement, Attorney General Kilmartin has agreed to process all of the rebate requests through the Office of Attorney General.

In January 2016, Attorney General Kilmartin was able to secure a revised agreement with Amphastar that increased the rebate on each dosage from \$4 to \$6.

### ***Prescription Drug Take Back***



One of the easiest and safest ways to rid the home of dangerous prescription drugs – including opioids – is through the very popular Prescription Drug Take Back Program. In September 2015, Attorney General Kilmartin joined local, state, and federal law enforcement partners to encourage residents to participate in the program.

The program was created in 2010 by the federal Drug Enforcement Administration (DEA) to prevent pill abuse and theft by allowing residents to rid their homes of potentially dangerous expired, unused, and unwanted prescription drugs.

This initiative addresses a vital public safety and public health issue. Medicines that languish in home cabinets are highly susceptible to diversion, misuse, and abuse. Rates of prescription drug abuse in the U.S. are alarmingly high, as are the number of accidental poisonings and overdoses due to these drugs. Studies show that a majority of abused prescription drugs are obtained from family and friends, including from the home medicine cabinet. In addition, Americans are now advised that their usual methods for disposing of unused medicines — flushing them down the toilet or throwing them in the trash — both pose potential safety and health hazards.

“With the disturbing and dangerous rise of prescription opioid addiction and abuse in Rhode Island, this take back program is a simple and anonymous way for people to rid homes of potential dangers. Opioid addiction and abuse is one of the most serious public health and safety threats within our state. While there are many fronts on which we need to fight this war, this program is a key piece to ending the cycle of addiction by eliminating the temptation to use these pills in the first place,” said Attorney General Kilmartin.

In 2014, the DEA issued regulations that would legally expand options for disposing of controlled substances beyond the scheduled prescription drug take back days. Recognizing the success and popularity of the one-day events, the DEA decided to once again support the program nationwide in partnership with state and local law enforcement. In Rhode Island, there are several police departments that offer this service year-round. In addition, other methods for safe disposal of prescription medications are available throughout the state, including at pharmacies and healthcare facilities.

Since 2010, the DEA and its partners have taken in over 4.8 million pounds - more than 2,400 tons - of prescription medications.

### **Protecting Taxpayer Money**

#### ***Cooperative Effort among Federal, State Agencies to Prevent Disability Fraud***

Through a Memorandum of Understanding between the Office of Attorney General and the Social Security Administration (SSA), Office of Inspector General, Rhode Island became the 24<sup>th</sup> state to establish a Cooperative Disability Investigations (CDI) Unit to investigate and prevent fraud in SSA's disability programs before benefits are ever paid.

The CDI Unit investigates Social Security disability claims that state disability examiners find suspicious or lacking evidence they need to make an accurate decision. CDI investigators gather information to help disability examiners decide whether to approve or deny benefits. CDI Units also investigate individual disability claims and identify lawyers, doctors, translators, or other third parties who facilitate disability fraud.



The results of these investigations are presented to the State's Disability Determination Services for their use in making timely and accurate disability determinations. CDI findings are also, at times, sent to state and federal authorities for consideration of prosecution.

The CDI Unit has been working cases since February of 2015 and has already made an impact in Rhode Island, with its cases contributing to approximately \$1.7 million in projected savings to Social Security programs, and an additional \$1.9 million in projected savings to related federal and state programs.

"Our CDI Unit is making a significant difference in stopping fraud and abuse in the Social Security system before it can occur, saving taxpayer dollars and improving the integrity of the program to help ensure its long-term viability for those who truly need it," said Attorney General Peter F. Kilmartin. "I have made combating fraud in our social service and safety net programs a priority for my Office, whether it is unemployment insurance benefit fraud, workers' compensation fraud or disability fraud."

#### ***Fighting Medicaid Waste, Fraud, and Abuse***

With Medicaid costing Rhode Island taxpayers nearly one billion dollars annually, there is a great expectation that our government ensures that each and every Medicaid dollar is spent as intended and that those who abuse the system are prosecuted. As the State's top law enforcement official, Attorney General Kilmartin has taken aggressive action to prosecute Medicaid fraud.

The Medicaid Fraud Control and Patient Abuse Unit (MFCU) enforces the laws pertaining to fraud in Rhode Island's Medicaid program and prosecutes cases of abuse, neglect, or



mistreatment of patients in all state healthcare facilities. The Unit prosecutes criminal activity, pursues civil remedies where appropriate, and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. In addition, the MFCU works closely with federal and state authorities to investigate pharmaceutical companies that overbill and defraud the State's Medicaid program.

In 2015, the Unit recovered \$8,574 in restitution from medical assistance fraud investigations and prosecutions. In addition, the Unit signed global qui tam settlement agreements with pharmaceutical and medical device companies totaling approximately \$424,488 in recoveries to Rhode Island's Medicaid program, and collected payments on civil settlements with Medicaid providers totaling \$408,464.

"With the cost of Medicaid-funded healthcare skyrocketing, it is now more important than ever that we be vigilant in ferreting out waste, fraud, and abuse and prosecute those matters both criminally and civilly to protect Medicaid funds so that there is money available for those who desperately need this assistance," said Attorney General Kilmartin.

### ***Cracking Down on Unemployment Benefit Fraud***

In August 2013, the Office of Attorney General was assigned a prosecutor devoted exclusively to prosecuting fraud cases referred by the Rhode Island Department of Labor and Training (RI-DLT) involving unemployment insurance benefits fraud, workers' compensation fraud, prevailing wage violations, and labor standards violations. The prosecutor in this position is solely responsible for screening, charging, prosecuting, tracking, and reporting case results to RI-DLT and the Office of Attorney General.

During 2015, the Office of Attorney General charged 30 individuals with unemployment insurance benefit fraud and disposed of 12 cases, which resulted in \$212,265 in court-ordered restitution to the State. Since 2013, the Office of Attorney General has recovered \$490,612 in court-ordered restitution.

In addition, the Office resolved five workers' compensation fraud cases, resulting in \$29,661 in court-ordered restitution. Additionally, during 2015, the Office charged one individual with failure to pay more than \$18,000 in wages to four employees.

### ***Fighting Public Corruption with the Right Tools***

The joint federal/state prosecution of former House Speaker Gordon Fox underscored the need for legislators to update the State's public corruption laws. Attorney General Kilmartin once again put forth a package of public corruption legislation that tackled "pay to play" and provided greater authority to prosecute those who commit crimes against the public trust.

While the legislation failed to pass the General Assembly during the 2015 session, Attorney General Kilmartin resubmitted the legislation in 2016 for consideration.





“We cannot continue down a path that creates cynicism about our elected officials. We must take action to crack down on acts that contribute to public distrust of our government and put an end to the corruption – real and perceived - and I will continue to advocate for strong anti-corruption laws in our State,” said Attorney General Kilmartin.

Although the legislation may not have gained traction in the General Assembly, Attorney General Kilmartin built upon his cooperative working relationship with the United States Attorney’s Office to jointly prosecute cases with cross-designation of several senior prosecutors. This enhances the prosecution of multi-jurisdictional crime including narcotics, firearms, and human trafficking, as well as public corruption and child pornography.

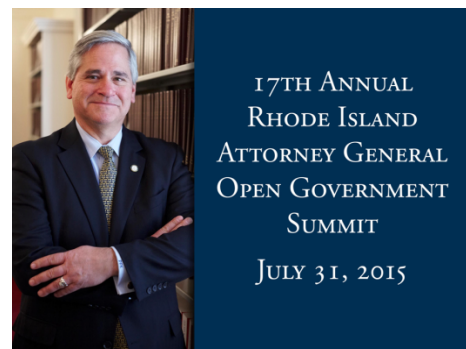
Cross-designation permits prosecutors to cross over and prosecute cases either in a state or federal court. Targeted cases are jointly reviewed to determine appropriate charges, appropriate jurisdiction, and in which court appropriate penalties are likely to be realized.

Senior prosecutors experienced in firearms, narcotics, human trafficking, public corruption, and child pornography prosecution have been cross-designated. In the past, prosecutors were cross-designated on a case by case basis.

“The Office of Attorney General and the United States Attorney’s Office have long enjoyed a very good working relationship. Both offices recognize that the priority is always to put together the best possible case for successful prosecution, no matter the venue,” said Attorney General Kilmartin. “There are certain crimes, such as public corruption, narcotics and human trafficking, which often cross jurisdictional lines. Cross-designating multiple individuals in specialized areas of prosecution allows for greater cooperation and efficiencies, from the initiation of a case through to prosecution.”

### **Keeping Government Open and Transparent to Citizens**

Rhode Island’s Open Meetings Act (OMA) and Access to Public Records Act (APRA) are critical to ensuring that state government operations remain open and accountable to the public. It has long been Attorney General Kilmartin’s philosophy that education concerning the OMA and APRA advances the goal of ensuring that government remains transparent, accessible, and accountable.



Maintaining his strong commitment to transparency in government, Attorney General Kilmartin again hosted two Open Government Summits to

educate officials and the public on the APRA and the OMA. Held in January and August, the Open Government Summits attracted more than 1,000 attendees and were streamed live over the Internet for the fourth year in a row. To encourage additional training, Attorney General Kilmartin has made the materials and video available on the Office website, accessible 24 hours a day, 7 days a week.

In addition to the Open Government Summits, staff of the Open Government Unit traveled across the State to hold mini-summits upon request by city and town public bodies.

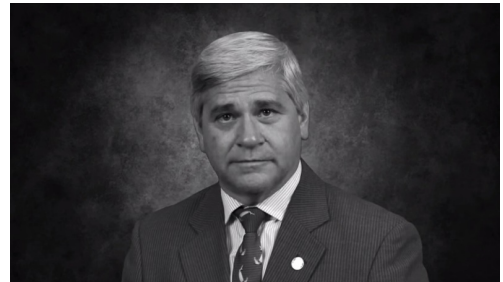
"The public deserves to know what its government is doing," said Attorney General Kilmartin. "I believe through education and awareness, we are raising the level of public interest in access to government, and holding public bodies accountable to failing to live up to their obligations to be open and transparent."

### **Strengthening Drunk Driving Laws**

Attorney General Kilmartin filed legislation in 2015 that would have increased penalties for those who are convicted of killing or injuring individuals while driving under the influence of alcohol or drugs. In addition, Attorney General Kilmartin filed legislation that would extend the so-called "look back" period on repeat alcohol-related offenses from five years to 10 years.

"Choosing to get behind the wheel of a motor vehicle while intoxicated or impaired on drugs is like playing with a loaded firearm - it's dangerous and often deadly," said Attorney General Kilmartin. "Every individual who gets behind the wheel of a motor vehicle while intoxicated is risking their own life and the life of others on the roads. The penalties for such a deadly and callous decision should reflect the seriousness of the act, and there can be nothing more serious than taking the life of another."

### **Attorney General Kilmartin Launches PSA Reminding of Dangers of Drunk Driving**



Attorney General Peter F. Kilmartin created a new public service announcement (PSA) on the dangers of drunk driving. Featuring a striking black and white aesthetic and equally striking statistics on the prevalence and deadliness of drunk driving, the PSA uses young people who are not actors to add greater authenticity to the message it delivers.

"Drunk driving is easily prevented, yet remains far too common, especially among younger drivers," says Attorney General Kilmartin. "This public service announcement will hopefully demonstrate to its viewers, especially our young viewers, the severe and deadly dangers of drunk driving."

The PSA was conceptualized by Austin McCarthy-Kelley, an intern in the Office currently attending Wheaton College. McCarthy-Kelley also wrote the script, provided direction to its performers, and edited the PSA. This PSA was produced at no cost to the State, as it was filmed, performed, and edited using equipment already in the Office's possession.

### *Increased penalties for DUI resulting in death or injury*

One piece of legislation Attorney General Kilmartin filed would increase the penalty range for DUI death resulting or serious bodily injury. Under the legislation, a conviction under DUI death resulting would increase from a maximum imprisonment of 15 years to a maximum imprisonment of 30 years, a maximum fine of \$20,000, and license revocation for up to 10 years.

A conviction of DUI resulting in serious bodily injury would increase to a maximum license revocation for up to five years.

The legislation would also increase the imprisonment sanctions for driving to endanger resulting in death from up to 10 years to up to 20 years, and those in violation of driving as to endanger serious bodily injury would face increased penalties from up to five years to up to 10 years.

### *Extending the “look back” period to 10 years*

Another piece of legislation Attorney General Kilmartin filed would increase the “look back” period on third and subsequent alcohol-related offenses to ten years. Currently it is only five years.

According to the Century Council’s Hardcore Drunk Driving Sourcebook, a majority of jurisdictions have a “look back” period of 10 years. In fact, Rhode Island is the only New England state with a “look back” period of less than 10 years.

The 10 year “look back” period is supported by the National Highway Safety Administration, Mothers Against Drunk Driving and the National Hardcore Drunk Driver Project.

While the both pieces of legislation successfully passed the Senate, the House failed to take action. Attorney General Kilmartin has resubmitted the bills for consideration in the 2016 legislative session.

### **Senate Passes Revenge Porn Legislation**

The Rhode Island Senate passed legislation filed at the request of Attorney General Kilmartin that would prohibit the posting of so-called “revenge porn” without consent of the individual depicted in the images. The legislation enjoyed broad support from advocacy groups including Day One and the Rhode Island Coalition Against Domestic Violence.

Revenge porn is sexually explicit media that is publicly shared online without the consent of the pictured individual. Revenge porn is typically uploaded by former lovers or hackers for the purpose of humiliation. The images or videos are often accompanied by personal information, including the pictured individual's full name and links to social media profiles.

"While the term 'revenge porn' is a catchy phrase, it's important to remember that behind the buzz there are real victims who are suffering the consequences of someone they thought they could trust, exploiting that trust for revenge," said Attorney General Kilmartin. "Posting of intimate images and videos for the sole purpose to embarrass someone is a vile act and should have significant legal consequences for those who engage in this type of egregious behavior."

The House of Representative failed to take action on the legislation. Attorney General Kilmartin resubmitted the legislation for consideration in the 2016 legislative session.

### **Attorney General Kilmartin Looks to Update Cyberstalking Statute**

In the age of the Internet and social media, once a harassing statement, image, or video is posted online, it can be there forever. Recognizing the hurdles the Office has in prosecuting someone for cyberstalking under the current statute, Attorney General Kilmartin filed legislation with the Rhode Island General Assembly seeking to amend the statute to define "conduct" as a single act which causes a person to be repeatedly contacted by others or two or more acts over a period of time, evidencing a continuity of harassment.

"The legislation provides greater protections for victims and ensures that our laws address those individuals who are exploiting new technology to harass and bully others," said Attorney General Kilmartin.

The bill, which enjoyed the support of Day One and the Rhode Island Coalition Against Domestic Violence, was held for further study by both the House and Senate. Attorney General Kilmartin has resubmitted the legislation for consideration for the 2016 legislative session.

### **Addressing Human Trafficking**

Human trafficking is the world's fastest-growing criminal enterprise, valued to be an estimated \$32 billion-a-year global industry. After drug trafficking, human trafficking is the world's second-most profitable criminal enterprise, a status it shares with illegal arms trafficking. Sex trafficking can and does take place in every community, no matter the cultural make up, the affluence, or the location of a community. No community is immune from being affected by the exploitation of human beings for commercial sexual activity.



In Rhode Island, the Sex Trafficking Law Enforcement Task Force, comprised of local and state law enforcement, agents from Homeland Security Investigations and the FBI, and prosecutors from the Rhode Island Attorney General's Office and the United States Attorney's Office, continue to be laser-focused working together as "one voice" on "one mission" to investigate, arrest and prosecute sex traffickers and sex buyers, and to rescue as many victims as possible who have become ensnared in webs weaved by sex traffickers.



Over the past two years in Rhode Island, at least 30 individuals have been charged with sex trafficking crimes by prosecutors from the United States Attorney's Office and the Attorney General's Office. Most sex trafficking cases are jointly reviewed by prosecutors from both offices to determine appropriate charges, appropriate jurisdiction, and in which court appropriate penalties are likely to be realized. Several prosecutors from each office have been cross-designated, allowing them to work side-by-side to prosecute sex trafficking cases either in state or federal court.

As an example, in June 2015, a Superior Court jury found a Boston man guilty of two counts of sex trafficking a minor for forcing a 14-year-girl to dance and solicit men for sex at a Providence strip club, as well as posting an ad for her as an escort on adult websites. Working in concert with one another, law enforcement from Rhode Island and Massachusetts found a second girl in a motel in Seekonk. Law enforcement was able to successfully rescue both teenagers and arrest the defendant, who had been previously been convicted of sexual assault and interstate transportation of a minor for prostitution. The defendant, who is awaiting sentencing, is facing a maximum of 91 years in state prison.

In addition to serving as a member of the Rhode Island Sex Trafficking Law Enforcement Task Force, Attorney General Kilmartin, along with United States Attorney Peter Neronha, has worked closely with Day One in Providence; the Aubin Center at Hasbro Children's Hospital; the Rhode Island Department of Children, Youth, and Families; the Rhode Island Public Defender's Office; and the Rhode Island Police Chiefs' Association to develop a uniform response protocol intended to serve as a guide and resource to assist in detecting and investigating the commercial sexual exploitation of children, successfully prosecuting those who engage in this conduct, and addressing the recovery needs of the victims of this crime. In December, the Police Chiefs' Association officially adopted the protocols.

"Make no mistake about it: the depraved individuals who enslave others for the commercial sex industry are more than mere criminals. They are kidnappers, torturers and rapists. To effectively end sex trafficking, cooperation is required among local, state, and national law enforcement agencies," said Attorney General Kilmartin. "The partnership by law enforcement through the Rhode Island Sex Trafficking Task Force has shown that by working together, we can successfully combat this new form of slavery and put traffickers out of business."

### **Attorney General Kilmartin Pushes to Make Sex Trafficking a Sex Offense**

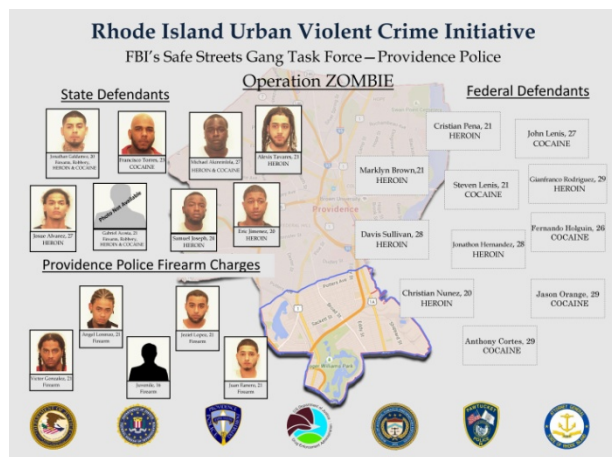
Recognizing trafficking of individuals for the commercial sex trade as a sex offense, Attorney General Kilmartin filed legislation that would make anyone convicted of trafficking to be subject to the State's sex offender registration and community notification requirements.

The legislation was held for further study by both the House and Senate. Attorney General Kilmartin has resubmitted the legislation for consideration in the 2016 legislative session.

## Targeting Violent Criminals and Drug Traffickers

Last year, the Rhode Island Urban Violent Crime Initiative, a wide-ranging collaboration of local, state, and federal law enforcement and prosecutors from the Office of Attorney General and the United States Attorney's Office, targeted violent crimes and violent criminals in urban neighborhoods of Rhode Island.

In February, Attorney General Kilmartin and other law enforcement partners announced the arrest of 35 men and seized 15 firearms in a long-running investigation of drug dealing and gun trafficking.



In April, building on a series of ongoing investigations which began in September 2013 and bolstered by law enforcement and prosecutors participating in the Violent Crime Initiative, an FBI Safe Streets Gang Task Force and Providence Police Department investigation, with substantial assistance of the Urban Violent Crime Initiative Task Force, more than two dozen gang members and associates who were allegedly trafficking cocaine and heroin in Providence and surrounding communities were charged in federal or state court.

“Through collaboration and sharing of information and resources, we can more effectively clean up high crime areas in our urban communities. We stand with our local, state, and federal law enforcement partners ready to identify, investigate, and ultimately prosecute known drug dealers and gang members who are at the root of crime and collateral damage in our neighborhoods,” said Attorney General Kilmartin.

## BHO Legislation

In response to the growing trend of making THC marijuana concentrate using extremely explosive butane, Attorney General Kilmartin filed legislation that would prohibit the use of butane, or any compressed flammable gas to make marijuana concentrate, with the exception of the heavily regulated compassion centers, and only in accordance with regulations promulgated by the Rhode Island Department of Health.

While investigations into recent explosions and fires across Rhode Island are still ongoing, preliminary results lead investigators to believe individuals were using butane to make marijuana concentrate.

Butane hash oil, known commonly as BHO or Shatter, gets its name from the process from which it is made. BHO is created by drawing liquid butane through a tube stuffed with marijuana. Resin from the cannabis that contains THC is caught in the butane as it passes through the tube. The butane-resin mixture then enters a glass vial where the butane turns to gas, leaving behind only concentrated THC resin, which is then lit and smoked. The resultant butane gas, however, is highly flammable.

"The manufacture of BHO can be dangerous and potentially deadly if not properly regulated. It is critically important to get a handle on this public safety problem before anyone is injured, or worse, killed," said Attorney General Kilmartin.

While the General Assembly failed to act on the legislation, Attorney General Kilmartin resubmitted the legislation in 2016 for consideration.

### **Advocating for Stronger Animal Cruelty Laws**

The Office of Attorney General has prosecuted an increasing number of cases of felony malicious injury to or killing of animals over the past several years. More than one dozen felony animal abuse cases were prosecuted in 2015, a significant increase from just three in 2012.

In 2015, Attorney General Kilmartin put forward legislation that would increase criminal penalties for malicious injury to or killing of animals. The legislation would increase criminal penalties for those convicted of malicious injury to or killing of animals from two years to five years to serve.

"In many instances, the defendant charged with felony animal abuse has seen previous contact with the criminal justice system, most commonly for domestic violence offenses," said Attorney General Kilmartin. "The abuse towards a helpless, innocent animal is deplorable, and strict penalties are warranted."

### **Protecting, Educating and Advocating for Rhode Island Consumers**



According to the U.S. Department of Justice, approximately 16.6 million people nationwide experience identity theft every year. Although data breaches at major corporations have made headlines, many cases of ID theft are committed in a much more low-tech way: by picking through someone's trash to find discarded documents, like bills or bank statements that contain personal information.

One of the best - and simplest - ways to protect yourself from ID theft is to shred documents that contain sensitive information. That is why Attorney General Kilmartin once again hosted a series of "shred-a-thons," which are free and open to the public, in order to help Rhode Islanders fight identity theft.

2015 was the 5<sup>th</sup> year the Office partnered with Doc Shredding Corp to help consumers safely dispose of confidential documents. As in years past, Attorney General Kilmartin asked participants to drop off a non-perishable food item for the Food Bank when they dropped off their documents for shredding.

### **Attorney General Kilmartin Urges Phone Carriers to Offer Call-Blocking Technology**

In 2015, Attorney General Kilmartin called on the five major phone companies to offer call-blocking technology to their customers. In a joint letter to the chief executives of AT&T, Sprint, Verizon, T-Mobile, and CenturyLink, Attorney General Kilmartin and 44 of his fellow attorneys general said a new Federal Communications Commission (FCC) rule clarification allows telecommunication service providers to offer customers the ability to block unwanted calls, and verifies that federal law does not prohibit offering the services.

"The FCC has made it clear that phone companies can assist us in our fight against unwanted, annoying, and sometimes expensive calls," said Attorney General Kilmartin.

### **Attorney General Kilmartin Calls for National Grid to End "Billing Adjustment" Practice**

In 2015, Attorney General Kilmartin joined Lieutenant Governor Daniel McKee to intervene in National Grid's Energy Procurement before the Public Utilities Commission to request the termination of the "billing adjustment" practice that left many customers facing unexpected charges on their electric bills over the winter.



With skyrocketing electricity rates last year, many residential customers and small businesses switched to electricity suppliers offering significantly lower rates than National Grid only to discover they faced a "billing adjustment," which is the bill recalculation to cover the difference between the default fixed-rate basic service and a variable rate.

Ratepayers contacted the Office of Attorney General, the Office of Lieutenant Governor and the Division of Public Utilities and Carriers to file complaints about the billing adjustment, which, for some consumers, totaled hundreds or even thousands of dollars depending on energy usage. At a joint press conference in April, Leah Sandberg of Sandberg Machine, a family-owned business in Burrillville, shared her story of being charged \$1,845 by National Grid after switching to an electricity supplier offering lower rates.

"Consumers were left in the dark, so to speak, about the potential costs of switching from National Grid to another electricity supplier. While the billing adjustment may have been legal, the practice was a shock to consumers looking to benefit from a competitive electric marketplace," said Attorney General Kilmartin. "As the cost of energy continues to be an issue, we anticipate more competition coming into the Rhode Island marketplace. That is a good thing, but we need to make sure there are no hidden fees and costs when switching."

In June, the PUC voted unanimously to end the "billing adjustment" practice, lifting a barrier to a more competitive electricity marketplace for commercial and residential customers.

### **Attorney General Kilmartin Urges Congress to Preserve Authority to Enforce State Data Breach and Data Security Laws**

Joining a bipartisan effort to ensure that any future federal data breach notification or data security law is effective and provides consumers with the best protection, Attorney General Kilmartin joined fellow attorneys general in a letter to the U.S. Congress emphasizing the importance of maintaining states' authority to enforce data breach and data security laws, and their ability to enact laws to address future data security risks.

Citing recent efforts in Congress to pass a national law on data breach notification and data security, Attorney General Kilmartin cautioned against federal preemption of state data breach and data security laws and argued that any federal law must not diminish the important role states already play protecting consumers from data breaches and identity theft.

"Clearly, data breaches have become a major issue for consumers in all 50 states. While Congress should play a role in how we address this issue, states need the flexibility and authority to best address the needs of their citizens," said Attorney General Kilmartin.

The letter urged Congress to preserve existing protections under state law, ensure that states can continue to enforce breach notification requirements under their own state laws and enact new laws to respond to new data security threats, and to not hinder states that are helping their residents by preempting state data breach and security laws.

### **Attorney General Kilmartin Urges Passage of Consumer Protection Legislation**



Attorney General Kilmartin supported federal legislation filed by Rhode Island Congressman James Langevin aimed at protecting consumers from identity theft and cyber criminals.

The Personal Data Notification and Protection Act requires that companies notify affected individuals within 30 days of the discovery of a breach of sensitive personal information. The Protect Children from Theft Act aims to safeguard children from becoming victims of identity theft by giving parents and guardians the ability to create a protected,

frozen credit file for their children.

The Cybercrime Anti-Resale Deterrent Extraterritoriality Revision (CARDER) Act would make it easier for law enforcement to prosecute the criminals who trade in stolen credit cards and simultaneously increase the chances of identifying and arresting the hackers responsible for the initial theft.



"Not too many years ago, identity theft was primarily a result of someone going through your trash and gaining access to your personal information to open a credit card in your name. Today, identity theft can happen at every turn: it can happen when we shop online, when we shop at retail locations, or when we file our taxes online. We need stronger laws to protect the consumer, and we need to give law enforcement the right tools to be able to go after these cyber criminals. The legislation proposed by Congressman Langevin will go a long way to do just that," said Attorney General Kilmartin.

The U.S. House of Representatives has not taken action on the Act.

### **Holding Companies Accountable for Deceptive or Illegal Practices** ***Attorney General Settlement Forces Changes to Credit Reporting Agencies***

Under the terms of a \$6 million settlement with Rhode Island and 30 other states, the three national credit reporting agencies - Equifax Information Services LLC, Experian Information Solutions Inc., and TransUnion LLC. - agreed to make a number of changes to their business practices to benefit consumers. As part of the settlement, Rhode Island received \$90,000, which was deposited into the State's General Fund.

The settlement is the result of a multistate investigation that focused on consumer disputes about credit report errors, monitoring and disciplining data furnishers (providers of credit reporting information), accuracy in consumer credit reports, and the marketing of credit monitoring products to consumers who call the credit reporting agencies to dispute information on their credit report.

Under the settlement, the credit reporting agencies agreed to increase monitoring of data furnishers, require additional information from furnishers of certain types of data, limit direct-to-consumer marketing, provide greater protections for consumers who dispute information on their credit reports, limit certain information that can be added to a credit report, provide additional consumer education, and comply with state and federal laws, including the Fair Credit Reporting Act.

"With the increase in identity theft and credit fraud over the past several years, consumers demand and deserve greater input in the credit reporting process and need to have greater recourse to dispute erroneous or fraudulent information. This is a comprehensive settlement that provides significant protections for consumers nationwide. The states negotiated for years to achieve these changes, and the results of our efforts will put greater control in the hands of consumers over this important piece of their financial lives," said Attorney General Kilmartin.

One of the most common complaints the Consumer Protection Unit within the Rhode Island Office of Attorney General receives is related to errors on consumers' credit reports.

STOPPING  
Abusive  
Debt Collection

OPERATION  
Collection Protection

The largest-ever collection of enforcement actions against abusive debt collectors

34 Federal actions

86 State & local actions

more than

115

actions

IT'S ILLEGAL  
FOR DEBT COLLECTORS TO:

lie about your debt, who they are, or what happens if you don't pay

harass or threaten you

tell anyone about your debt

Debt collectors have to send you a written notice about your debt

## ***Chase to Change Unlawful Credit Card Debt Collection Practices Through \$136 Million Joint State-Federal Settlement***

Chase Bank USA N.A. and Chase Bankcard Services Inc. agreed to reform its unlawful credit card debt collection practices through a \$136 million joint state-federal settlement with Attorney General Kilmartin, attorneys general in 47 states plus the District of Columbia, and the federal Consumer Financial Protection Bureau (CFPB).

Chase agreed to pay more than \$95 million to the 47 participating states and the District of Columbia, an additional \$11 million to the executive committee states that conducted the investigation and settlement negotiations, and \$30 million to the CFPB. Rhode Island's share was \$239,955, which was deposited into the State's General Fund.

The agreement also ensures that Chase will provide \$50 million in consumer restitution through a separate 2013 consent order reached with the Office of the Comptroller of the Currency. Chase estimates that so far it has provided \$13,000 to 20 Rhode Island consumers.

"Chase's consumer credit card debt collection practices harmed consumers here in Rhode Island and across the country," said Attorney General Kilmartin. "In many cases, Chase stacked the deck against consumers by pursuing or unleashing collections cases based on information that was just plain wrong or even false. These include instances where the listed debt was the wrong amount, was tied to the wrong person, was discharged, time barred or very old - that's what's often called 'zombie debt.'"

## ***Attorney General Kilmartin Secures Loan Forgiveness for EDMC Students***

Attorney General Kilmartin secured nearly \$90,000 in loan forgiveness for approximately 79 Rhode Island former students of for-profit

18

education company Education Management Corporation (EDMC) through an agreement negotiated by a group of state attorneys general.

EDMC, based in Pittsburgh, Pennsylvania, operates 110 schools in 32 states and Canada through four education systems, including Argosy University, The Art Institutes, Brown Mackie College and South University. EDMC offers online courses to its schools for Rhode Island residents.

The agreement also mandated added disclosures to students, including a new interactive online financial disclosure tool; bars misrepresentations to prospective students; prohibits enrollment in unaccredited programs; and institutes an extended period when new students can withdraw with no financial obligation.

### ***\$71 Million Consumer Settlement with Amgen for Unlawful Promotion of Certain Biologic Medications***

Attorney General Kilmartin and his fellow attorneys general from across the country reached a \$71 million consumer settlement with Amgen Inc. to resolve allegations that Amgen unlawfully promoted biologic medications Aranesp and Enbrel. As part of the settlement, Rhode Island received approximately \$760,000, which was deposited into the State's General Fund.

Aranesp is used to treat certain types of anemia by stimulating bone marrow to produce red blood cells. Enbrel is used to treat a number of conditions, including plaque psoriasis.

The attorneys general alleged that Amgen violated state consumer protection laws by promoting Aranesp for dosing frequencies longer than the FDA approved label without competent and reliable scientific evidence to substantiate the extended dosing frequencies, promoting Aranesp for anemia caused by cancer without having FDA approval or competent and reliable scientific evidence to support it, and promoting Enbrel for mild plaque psoriasis even though Enbrel is only approved by the FDA to treat chronic moderate to severe plaque psoriasis.

In addition to the financial cost, the settlement requires Amgen to reform its marketing and promotional practices.

"Yet again, a major pharmaceutical company engaged in deceptive marketing practices, potentially jeopardizing patient health in order to boost their bottom line," said Attorney General Kilmartin. "I will continue to ensure that drug companies comply with the laws in their sales and marketing of drugs to the public. Those laws are designed to protect the safety of patients, and as this settlement shows, companies that do not abide by the rules will be held accountable."

### ***\$26.75 Million False Claims Act Settlement with Stericycle***

In October, Attorney General Kilmartin announced a \$26.75 million multistate settlement with Stericycle, Inc., an Illinois-based medical waste disposal company, resolving



allegations that it violated the false claims acts of 12 states by improperly increasing its service price to certain government customers without contractual authorization.

As a result of the settlement, the State of Rhode Island and affected local governments, including cities, counties, and school districts, recovered \$198,664.

"With ever rising healthcare costs, it is critical that we crack down on companies who overcharge for products and services. By holding these companies accountable, we are protecting our healthcare system and ensuring that crucial funding is spent on patients, not on padding the bottom line of healthcare companies," said Attorney General Kilmartin.

***Investigation of "Mobile Cramming" by Wireless Phone Providers Ends Deceptive Practice and Brings Financial Relief to Consumers***

In 2015, Attorney General Kilmartin announced major consumer settlements with two of the nation's largest wireless phone providers for "mobile cramming," which is the practice by which wireless service providers place charges from third parties on consumers' mobile telephone bills without the consumers' knowledge or consent.

In May, Attorney General Peter Kilmartin announced settlements with Sprint Corporation and Verizon Wireless that include \$158 million in payments to resolve allegations that Sprint and Verizon placed charges for third-party services on consumers' mobile telephone bills that were not authorized by consumers.

Under the terms of the settlements, Sprint paid \$68 million and Verizon paid \$90 million. Of these amounts, Sprint and Verizon were required to provide \$50 million and \$70 million, respectively, to consumers who were victims of mobile cramming.

In addition, the State of Rhode Island received approximately \$175,000 from Verizon and \$131,000 from Sprint as a result of this settlement, in addition to the payments to Rhode Island consumers who were victims of the practice of mobile cramming.

Sprint and Verizon were the third and fourth mobile telephone providers to enter into a nationwide settlement to resolve allegations regarding cramming. In 2014, Attorney General Kilmartin announced similar settlements with AT&T for \$105 million and T-Mobile for \$90 million. The State of Rhode Island received approximately \$417,000 through those settlements.

"The settlements with Sprint and Verizon ended our investigation into the practice of mobile cramming by the nation's largest mobile phone providers. Not only did the companies agree to end the deceptive practice of mobile cramming and take steps to ensure customers are not billed for third party charges they did not expressly agree to, but consumers also received financial relief," said Attorney General Kilmartin.

***Attorney General Kilmartin Charges Four Scam Companies with Bilking \$187 Million***

Attorney General Kilmartin, with state law enforcement partners in every other state in the nation, the District of Columbia, and the Federal Trade Commission, filed a federal lawsuit

against four phony cancer charities and their operators, who allegedly scammed more than \$187 million from consumers throughout the country.

The joint complaint alleges that the defendants - including Cancer Fund of America, Children's Cancer Fund of America, Cancer Support Services, and The Breast Cancer Society - portrayed themselves to donors as legitimate charities with substantial nationwide programs whose primary purposes were to provide direct support to cancer patients, children with cancer and breast cancer patients. Contributions benefitted only the perpetrators, their families and friends, and professional fundraisers, who often received 85% or more of every donation. Consumers' donations were wasted and misused, cancer patients were not helped, and the defendants were not legitimate charities.

"Preying on the good and generous nature of Americans, these outfits took money from people who were led to believe it was going to help children and women with cancer. Instead, it went to fund the lavish lifestyles of the perpetrators of these frauds," said AG Kilmartin. "However, Rhode Islanders should not let this case deter them from donating to a good cause. The overwhelming majority of charitable organizations are reputable and deliver on the promise of what the funding will go towards. This investigation serves as a reminder to do your homework before making a charitable donation."

Attorney General Kilmartin advises consumers to do their research on a charity before making a donation. There are many sites, including [www.charitynavigator.org](http://www.charitynavigator.org), that evaluate the efficiency of more than 8,000 charities nationwide.

### ***Agreement to Protect Consumer Privacy in RadioShack Bankruptcy Case***

Following mediation in federal bankruptcy court, Attorney General Kilmartin announced a settlement with RadioShack over the sale of its customers' personally identifiable information.

Thirty-eight states, including Rhode Island, joined together to oppose the sale of personal identifying information - including name, phone number, email address, and past purchases - to General Wireless, the company that obtained bankruptcy court approval to purchase RadioShack's entire e-commerce business, intellectual property and remaining assets.

"The resolution protects the privacy of former RadioShack customers and serves as a road map for future bankruptcy proceedings involving a consumer's personal information and buying habits. That type of information has a high monetary value, and the sale of such an asset during a bankruptcy may allow outstanding creditors to recoup some losses, but it cannot be done at the expense of consumers' privacy," said Attorney General Kilmartin.

Under the terms of the settlement agreement, the overwhelming bulk of RadioShack consumer data will be destroyed, and the new owner of RadioShack will not gain access to any sensitive personally identifiable information.

## Prosecuting Home Repair Fraud

After the Office of Attorney General and the Contractors' Registration and Licensing Board (CRLB) received a number of complaints from consumers alleging negligent and improper work, breach of contract, as well as allegations of elder abuse and price gouging by MTY Paving, Attorney General Kilmartin filed a motion in Superior Court to enforce the CRLB's



order prohibiting the company from operating as a contractor in the State of Rhode Island and seeking restitution to victims.

Following the injunction, the CRLB staff worked with MTY's attorneys to resolve the matters and to provide 12 claimant homeowners with \$32,450 in total restitution.

"The homeowners in this case recognized they got duped by MTY Paving and did the right thing by contacting my Office and the CRLB to file a formal complaint, which allowed us to take action. I am glad we were able to provide restitution to the homeowners who trusted MTY Paving to provide a good service at a fair price," said Attorney General Kilmartin.

The Office of Attorney General provides legal counsel to the CRLB. As legal counsel to the Board, the Office enables residential homeowners to avail themselves of the dispute-resolution process at the CRLB in lieu of pursuing a private action in court. When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Office of Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure of recourse. Through a cooperative partnership between our department's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

To add another level of confidence when choosing a contractor, Attorney General Kilmartin filed legislation requiring that anyone seeking a license or registration from the CRLB must undergo a national criminal background check. The intention of the statute is to ensure flimflam contractors running from the law in other states do not open shop in Rhode Island.

The legislation was held for further study. Attorney General Kilmartin has submitted the legislation for consideration in the 2016 legislative session.

## Attorney General Kilmartin Files "Patent Troll" Legislation to Help Small Businesses

In 2015, Attorney General Peter Kilmartin filed legislation that would prohibit bad faith assertions of patent infringement against Rhode Island businesses and individuals. "Patent trolls" are individuals or companies that acquire patents solely for the purpose of using them to extract license fees and settlements from those targeted as alleged infringers. Consumers, small businesses, and non-profit agencies are often targeted by patent trolls because they have purchased or used products with a wide-range of patented technology, such as printers or scanners.

The legislation would prohibit a person from making bad faith assertions of patent infringement against a Rhode Island target. The law would also allow a target to bring action in Rhode Island Superior Court against the patent troll, where they may be awarded equitable relief, actual damages, costs, attorney's fees and exemplary damages.

The law also gives the Office of Attorney General civil investigative powers, including the ability to bring civil actions against patent trolls; if found to have made a bad faith assertion, the patent troll could face a maximum penalty of \$250,000.

"The threat of a frivolous lawsuit, let alone the cost of litigation should a lawsuit ever be filed, can be devastating, particularly for small business owners and non-profit agencies. Patent trolls bank on a small business simply paying the alleged license fee versus fighting the matter in a court of law. It's deceptive and a misuse of our current patent system. Rhode Island's small businesses have enough obstacles to success already. They cannot afford to be attacked by dubious patent trolls looking to make a quick buck," said Attorney General Kilmartin. "My office needs the right tools to go after these outfits and our small businesses and nonprofits need protection from what are essentially boardroom shakedowns by those who have found a loophole in the existing patent infringement laws."

The legislation, which has broad support from the business community, as well as the Rhode Island Hospitality Association and the Greater Providence Chamber of Commerce, successfully passed the Senate, but was held for further study in the House. Attorney General Kilmartin has submitted the bill for consideration in the 2016 legislative session.

### **Educating Youth to Make Smarter and Safer Choices** ***It Can Wait***

With recent studies showing that seven in 10 people are still using their smartphones while at the wheel and a startling number of drivers snap selfies or video chat, Attorney General Kilmartin continued to educate teen drivers on the dangers and consequences of distracted driving, bringing the "It Can Wait" campaign to schools throughout Rhode Island.



Now in its fourth year, Attorney General Kilmartin once again joined partners with the Rhode Island State Police and AT&T on the program.

"When we began this program four years ago, our focus was primarily on texting while driving. However, as technology has evolved, so has smartphone usage," said Attorney General Kilmartin. "People are not just texting behind the wheel – they are taking selfies, checking email,

and, perhaps most shocking, even viewing and recording videos. The good news is that peer influence can have a tremendous impact on drivers' behavior, which is why it's critical to teach young drivers the message that no post, message, email, or photo is worth a life...It Can Wait."

According to data released by AT&T, 62 percent of drivers keep their smartphones within easy reach while driving. Nearly four in 10 smartphone users tap into social media while driving, almost three in 10 surf the net, and one in 10 even video chat while driving.

In 2015, Attorney General Kilmartin brought the It Can Wait program to 12 high schools, where more than 4,500 students signed the pledge to put their phone away while driving.

***Barrington School Department and Attorney General Kilmartin Host Community Forum on Cyber Bullying and Internet Safety***

Attorney General Peter Kilmartin, in partnership with the Barrington School Department, Barrington Police Department, and Cox Communications, hosted a panel discussion and community forum on cyber bullying and Internet safety for students and parents.



Led by Barrington School Superintendent Michael Messori, panelists included Attorney General Kilmartin, Barrington Police Chief John LaCross, Dr. Lawrence Filippelli, Assistant Superintendent of Scituate Schools and a leading cyber bullying and Internet safety expert.

In addition, a representative from Cox Communications spoke about the company's "TakeCharge" public awareness campaign in area schools. Following a panel discussion on the legal and emotional consequences of cyber bullying and Internet safety, what parents need to know about their children's online behavior, and how to protect children online, the panel took questions from parents, educators, and members of the community.

The following school day, Special Assistant Attorney General Katelyn Revens spoke with 6th and 7th graders at Barrington Middle School and 4th and 5th graders at Hampden Meadows School about the issues and consequences of cyber bullying.



According to a survey conducted in 2014 by Cox Communications and the National Center for Missing & Exploited Children on teens' and "tweens'" use of the Internet, on average, teens spend 5 hours and 38 minutes online every day with nearly half that time spent playing online games. In addition, the survey showed that 92 percent are social network users with 74% sharing photos or videos of themselves, friends (58%) or family members (51%) online.



The survey results showed that during the time teens spent online one in four teens have been a victim of cyberbullying and more than half of teens surveyed have witnessed cyberbullying (54%). Teens state that appearance is the number one reason for online bullying. The survey also showed that nearly half of teens admit to taking action to hide their online behavior from parents.

“Children today have access to more technology than ever before, yet they often do not think of the legal and emotional consequences of their online activity. An important step in protecting young people online is for parents and teachers to learn about how they can protect children from cyber bullying and the many other dangers that exist online, how to talk with kids about these issues, and provide them with resources to help protect their children and students online. By fostering this important dialogue, parents and teachers will be better able to ensure that children understand the consequences of their online behavior while also empowering them to take a proactive approach against cyber bullying,” said Attorney General Kilmartin.

Attorney General Kilmartin brought the “Take Charge” program to other area schools throughout the year including the Kickemuit Middle School in Warren and the Martin Middle School in East Providence.

### ***Raising Awareness of Teen Dating Violence***



Continuing his commitment to help teenagers make healthy choices, Attorney General Kilmartin used National Teen Dating Violence Month in February as an opportunity to encourage parents and teens to talk about dating violence. Throughout the month, Attorney General Kilmartin used Twitter to share tips and resources to spark conversations about dating violence, connect victims with resources, and educate teens about how to prevent abuse in their own relationships.

In addition, Attorney General Kilmartin created a public service announcement to raise awareness of digital dating violence, the use of technologies and/or social media networking to intimidate, harass or threaten a current or ex-dating partner. This can include demanding passwords, checking cell phones, cyber bullying, sexting, excessive or threatening texts, or stalking on Facebook or other social media.

The public service announcement, written, filmed and edited by an intern at the Office of Attorney General, features a young woman “trapped” by constant text messages sent by her boyfriend.

“Statistics show that one in three teens and young adults will experience some form of domestic or dating abuse. Now imagine if your teenage son or daughter was trapped in an abusive relationship. It is my hope that by raising awareness, we can help stop the cycle of violence before it begins,” said Attorney General Kilmartin.

## Protecting Children from Dangerous Products

With the explosive growth and popularity of electronic nicotine-delivery systems, like e-cigarettes, Attorney General Kilmartin filed legislation that would require child-resistant packaging for e-liquid used in the devices.

The legislation would require all liquid “intended for human consumption and/or use in an electronic nicotine-delivery system” to be contained in child-resistant packaging.

“The popularity and use of e-cigarettes and vaping products continues to rise. While the jury is still out on the health effects of e-cigarettes versus the known health risks of traditional nicotine products, we can all agree that these products should be kept out of the hands of children,” said Attorney General Kilmartin. “Most troubling is that these products – especially e-liquids – come in a variety of enticing flavors, such as candy crush and gummy bear, which appeal to children. There is currently no such regulation on this toxic product with respect to child-resistant packaging.”

E-liquids contain nicotine in its purest form mixed with flavoring, coloring, and assorted chemicals, and can be extremely dangerous especially for children who may be attracted to them by their color and sweet, candy-like smell. According to the Tobacco Control Legal Consortium, nicotine is an acute toxin and exposure by swallowing or contact with the skin can result in nausea, vomiting, respiratory arrest, seizure and even death.

The Centers for Disease Control report a dramatic increase in the number of call related to e-liquid exposure, especially among children. According to a study released by the CDC in April 2014, the number of calls to poison centers involving e-cigarette liquids containing nicotine rose from one per month in September 2010 to 215 per month in February 2014. More than half (51.1 percent) of the calls to poison centers due to e-cigarettes involved young children under age 5, and about 42 percent of the poison calls involved people age 20 and older.

“We require child-proof packaging on just about every over-the-counter drug, and we need to start regulating e-cigarettes and e-liquids with the same intensity to decrease the experimental or accidental exposure of this dangerous product to children,” said Attorney General Kilmartin.

The legislation would prohibit the use of electronic nicotine delivery systems on school property, the same way cigarettes are banned.

“Schools were the first to go tobacco free. Yet, the current laws and policies do not adequately address the use of e-cigarettes and other vaping products on school grounds,” said Attorney General Kilmartin. “We need to develop a consistent policy that can be



applied to all school districts across the state that will restore the integrity and the intent of the ‘tobacco free’ statutes, especially in relation to our schools.”

The legislation was held for further study in both the House and Senate. Attorney General Kilmartin resubmitted the legislation for consideration in 2016 legislative session.

### **Excellence in Prosecution**

#### ***Helping to Strengthen Mexico’s Justice Systems***

In 2008, the country of Mexico amended its Constitution, moving away from an old inquisitorial justice system to a new adversarial justice system, similar to that of our own state and country. Recognizing the judicial, societal, and economic benefits of ensuring that Mexico succeed with this transition, Attorney General Kilmartin pledged to assist and support Mexico in this enormous legal shift.



As part of this commitment, a cooperative justice program was developed by the Conference of Western Attorneys General aimed at strengthening the legal systems of both the United States and Mexico. This program includes participation from 42 United States state attorneys general, every Mexican jurisdiction, including each of the 32 states, the Federal District, the Military Justice system and the Federal Attorney General’s Office, the Council of State Governments, National Association of Attorneys General, and the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs.

This partnership offers hands-on training programs to Mexican judges, prosecutors, investigators, and forensic scientists that promote cross-jurisdictional cooperation on law enforcement issues, build efficiency and transparency in court systems, promote a consistent application of Rule of Law disciplines such as oral advocacy, nurture cooperation on issues from drug trafficking and money laundering to human trafficking, and ensure that law enforcement and judicial officials work together in ways that apply a consistent Rule of Law focus across jurisdictions in the United States and Mexican states.

In March 2015, to assist Mexico and its states with this historic transition, prosecutors from Morelos, Mexico came to Providence for training and a sharing of knowledge and experience in investigation and trial techniques from several prosecutors from the Office of Attorney General.

In the Fall, Attorney General Peter Kilmartin was one of a seven member bi-partisan delegation of state attorneys general to Mexico to meet with his Mexican counterparts and Mexican Attorney General Arely Gomez Gonzalez to further strengthen the collaboration.

“This partnership is vital given the complicated cross-border issues both our nations face, including human trafficking, weapons trafficking, and drug trafficking, especially the



growing heroin trade from Mexico to the United States. Our common interest is ensuring the safety of our citizens, prosecuting crime, and adhering to the Rule of Law,” said Attorney General Kilmartin.

As Mexico continues its transition to an adversarial justice system, Attorney General Peter Kilmartin believes it is critical to provide guidance and training to ensure that a sound and fair judicial system is established.

“The United States of America has hundreds of years of granting justice through an adversarial system, and I am proud to provide an opportunity to collaborate with and train those charged with upholding Mexico’s system of law. By sharing our knowledge and expertise, we are helping Mexico build a judicial system in which its citizens can have confidence and trust,” said Attorney General Kilmartin.

This collaboration is vital to the interests of Rhode Island and the United States. Mexico is America’s neighbor and its third-largest trading partner. Implementing a new justice system will provide stability, establish the Rule of Law, and help stem corruption. In turn, this will help weaken drug cartels that otherwise thrive on governmental and societal instability - which enable the cartels to engage not only in the export of illicit products to our citizens, but also in human trafficking. As their justice system grows and stabilizes, Mexicans will look internally for the economic and social opportunities they currently seek elsewhere. Reforming Mexico’s judicial system to one that is based on the Rule of Law and one that is more closely aligned with that of the United States and Canada will allow all of North America to be a beacon of justice for the world.

### **Attorney General Partners with U.S. State Department to Provide Unique Expertise to Ukraine**

To support and foster Ukraine’s pursuit of reform and Rule of Law, the U.S. Department of State and the National Association of Attorneys General (NAAG) dispatched a team of prosecutors from the Rhode Island Office of the Attorney General to Ukraine to train the newly-established anticorruption-focused Inspector General unit within the Ukrainian Prosecutor General’s Office.

Leading the training were Rhode Island Assistant Attorneys General Maureen Keough and James Baum.



The training marked a new step in U.S. support for developing Ukraine’s law enforcement and judicial sectors. With assistance from the State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL), Ukraine’s Deputy Prosecutor General David Sakvarelidze established and was named the Head of a new Inspector General unit at Ukraine’s Prosecutor General’s Office. Since its inception, the Inspector General unit is

making progress and has recruited a small but dedicated staff to begin combating corruption within the Ukrainian justice system.

In response to the Government of Ukraine's request to INL for assistance in establishing this new unit, Assistant Attorneys Generals Keough and Baum travelled to Ukraine, where they provided advice and mentoring to the members of the Inspector General's unit, and assessed the technical equipment needs, organizational structure, and key procedures to assist the unit in leading successful internal investigation, conduct sting operations, and protect sensitive information.

The training was the first since Attorney General Kilmartin signed an agreement in December 2013 with INL in which Rhode Island agreed to provide prosecutorial training to foreign partners to enhance their law enforcement and justice sector capabilities.

"We live in a global, interactive world, and the United States has the resources to provide assistance to countries that are trying to change the culture of corruption to one of laws and a justice system the public can have trust in. Furthermore, with the growth of transnational crime, including human trafficking and cyber crime, it is important we support Rule of Law throughout the world and establish relationships for prosecution of these crimes," said Attorney General Kilmartin. "I am proud that our prosecutors were chosen to impart their expertise on their counterparts in Ukraine. It is a testament to the excellence of the prosecutors in this office. Each and every day, they work with law enforcement to assess and build cases that lead to successful prosecution, and have earned a reputation as some of the best prosecutors in the nation who are sought out for their expertise."

### **Staff Excellence Recognized**



The Office of Attorney General has some of the brightest and hardest-working staff in Rhode Island. Day in and day out, attorneys, investigators, and support staff work tirelessly to ensure that justice is served for Rhode Islanders. It is this dedication, time, and commitment each employee puts into a criminal case, a consumer question, or a civil lawsuit that makes the Office of Attorney General a state agency of which the citizens of Rhode Island can and should be very proud.

While the employees do not expect any special recognition for the work they do every day, it is still gratifying when they are honored for their efforts.

At the 2015 Rhode Island Mothers Against Drunk Driving Law Enforcement Recognition Awards two of our staff were recognized for excellence in their fields: Assistant Attorney General Jay Sullivan received the Statewide Prosecutor of the Year Award, and the Victim Services Award was presented to Victim/Witness Advocate Mickaela Driscoll.

Also in 2015, Assistant Attorney General and Insurance Advocacy Unit Chief Genevieve Martin was honored by the Rhode Island Psychological Association for outstanding contributions to mental and behavioral health.

Our Criminal Division Chief, Assistant Attorney General Stacey Veroni, was named "Faculty of the Year" by the National Attorneys General Training and Research Institute, the training and research arm of the National Association of Attorneys General.

Assistant Attorney General Maureen Keough was the recipient of a Neil J. Houston, Jr. Memorial Award, given for dedicated service and citizen contribution toward the criminal justice professional and public interest.



Additionally, Assistant Attorney General Keough and Special Assistant Attorney General Kaitlin Tracey were honored at the Burrillville Police Department's 2015 Awards Ceremony and Heroes in our Community Celebration for their assistance in the investigation of the murder of Domingo Ortiz.

### **Attorney General Kilmartin Serves in Leadership Roles for NAAG**



Last year, Attorney General Kilmartin was re-elected to serve as chair of the National Association of Attorneys General (NAAG) Eastern Region, and re-appointed as co-chair of the Consumer Protection and NAAG Training Committees. In addition, Attorney General Kilmartin will continue to serve as the NAAG representative to the International Association of Prosecutors. Attorney General Kilmartin was also appointed to serve on several other NAAG committees, including the Criminal Law Committee, Law Enforcement and Prosecutorial Relations Working Group, and Veterans Affairs Committee.

"I am honored that my fellow attorneys general have put their trust in me to continue serving on NAAG's Executive Committee. This role has enabled me to strengthen my relationships with colleagues from across the country as we work together on issues that face our states and our nation," said Attorney General Kilmartin. "In addition, I have been able to leverage this leadership position to bring attention to critical issues including sexual assault on college campuses, consumer protection, and housing issues."

### **Giving Back to the Community**

A core tenet of the Office of Attorney General is the belief that it is important to give back to the community. The Office's 231 employees donate their time and money to countless charities, participate in community events to raise awareness of causes that are important to them, and lend a hand whenever asked.

Staff from the Office of Attorney General regularly volunteer for the Rhode Island Special Olympics. By holding regular “dress-down days” to raise money, the Office has contributed thousands of dollars to local charities, including the Special Olympics, the Gloria Gemma Starfish project, and the Rhode Island Society for the Prevention of Cruelty to Animals. The Office holds regular blood drives to support the Rhode Island Blood Center, holds an annual winter coat drive to support the Neighborhood Alliance of Pawtucket, and collects non-perishable food items throughout the year to support the Rhode Island Community Food Bank, just to name a handful of initiatives.



In addition to raising funds for numerous charitable organizations, staff from the Office of Attorney General collected school supplies for needy children as part of the Rhode Island State Police and the Rhode Island Police Chiefs’ Association Kids, Cops & Classrooms initiative, as well as collected toys for the annual Kids, Cops & Christmas event. Also, the Office of Attorney General held a cellphone drive to benefit the Rhode Island Coalition Against Domestic Violence through the Verizon Wireless HopeLine program.

## **Recognizing Others**

### ***Honoring Crime Victims and Advocates of Victims’ Rights***



Each April, the Office of Attorney General recognizes National Crime Victims’ Rights Week with the Victims’ Grove Ceremony to honor crime victims and individuals and organizations committed to providing support and resources for victims.

The theme - *Engaging Communities, Empowering Victims* - emphasized the role of the entire community, individually and collectively, as we support victims of crime and empower them to direct their own recovery.

The 2015 honorees were:

#### **Robert Shaw**

Bob Shaw is the father of Providence Police Sergeant Steven Shaw, who was killed in the line of duty on February 3, 1994 while searching a home on Benedict Street where a robbery suspect was hiding. The suspect was hiding in a closet on the second floor of the home and shot Sergeant Shaw when he was found.

In the wake of his son’s passing, Bob created the Steven Shaw Foundation, which raises money for families of fallen police officers. In addition, Mr. Shaw assists families of fallen officers through the criminal justice process.





### **The CNC3 Fund**

The CNC3 Fund is a non-profit organization formed to help end domestic violence and support the three minor children of Carla Fusco Bowen and Christopher Butler, victims of a domestic violence tragedy that occurred in 2013.

### **Jordan Seaberry**

Jordan spent his last semester at RISD visiting with five Providence families whose loved ones were taken by violence. He listened intently to each story and created large paintings that reflected what he had heard. He also asked each family for their favorite picture of their loved one and created a portrait of each person as a gift for the family.



### ***Recognizing Others for their Commitment to Rhode Island***

Attorney General Kilmartin has continued the long-standing tradition of bestowing Justice Awards upon individuals and organizations for extraordinary commitment to justice. The awards are presented in honor of the eight previous Attorneys General: Arlene Violet, Richard Israel, Herbert DeSimone, Dennis Roberts, James O'Neil, Jeffrey Pine, Sheldon Whitehouse, and Patrick Lynch. The ceremony brings together several former attorneys general who bestow the honor upon the individuals before their families and friends.

The 2015 Justice Award honorees included:

**Tricia Hebert, Alternative Lending Manager at Rhode Island Housing**, received the Attorney General Jeffrey Pine Award for Consumer Protection for her work in implementing the State's mortgage foreclosure mediation law and helping keep Rhode Island families in their homes.

**Carlo Gamba, volunteer for AARP**, received the Attorney General Patrick Lynch Award for Crime Prevention for his volunteer work with AARP of Rhode Island.



**James Caruolo, Esq., North Providence Solicitor and Board Member of the Elizabeth Buffum Chace Center** received the Attorney General James O'Neil Award for Domestic Violence Prevention for his work in prosecuting domestic violence cases.

**Clean Ocean Access** received the Attorney General Sheldon Whitehouse Award for Environmental Protection.

**Coventry Police Lt. Matthew Blair, Detective Ryan D. DeSisto, and Detective Michael Pacheco** received the Attorney General Arlene Violet Award for Drug Enforcement for their efforts to improve the Coventry Police Department's drug evidence and property management system.

**Pawtucket Police Detectives David Silva and Donti Rosciti (retired)** received the Attorney General Richard Israel Award for Law Enforcement – Non Uniform for their efforts in solving the December 24, 2013 murder of Ryan Almeda.

**Catherine Gergora, volunteer and long term care ombudsman,** received the Attorney General Herbert DeSimone Award for Senior Protection for advocacy on behalf of seniors. Gergora, who is 83 years old, is a resident of Cranston.

**Rhode Island State Police Trooper Evan T. Shaw** received the Attorney General Dennis Roberts Award for Law Enforcement – Uniform for his multiple arrests involving narcotics and firearms.

**Portsmouth Police Officer Scott E. Sullivan and Cranston Police Officer Eric J. LeClerc** each received the Attorney General Peter Kilmartin Award for Community Service. Officer Sullivan was recognized for spearheading the Department's charitable giving programs. Officer LeClerc was recognized for his efforts to support Special Olympics Rhode Island.



## **Executive and Administrative Divisions**

The Executive and Administrative divisions of the Office of Attorney General consist of the Attorney General, Deputy Attorney General, Chief of Staff, Director of Administration, and support staff. The divisions provide the general management and direction for the Office and implement policies, programs, and legislation aimed at keeping Rhode Island communities safe and secure.

### ***Deputy Attorney General***

The Deputy Attorney General serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy oversees the development and implementation of policy and serves as liaison between the Attorney General and all department staff and program officials. Gerald Coyne, Esq., has served as Deputy Attorney General since 1999 and has served in that capacity under three Attorneys General.

### ***Administration Division***

The Administration Division's role is to provide a seamless support functionality to ensure the overall mission and mandates of the Office continue without disruption. The Director of Administration is responsible for all financial operations, including the preparation and submission of the annual budget, monitoring and controlling expenditures, supervising the personnel office, information technology, operations, and fiscal office; and lobbies for the resources necessary for efficient operations of the entire Office.

The total budget for fiscal year 2015 (FY15), ending June 30, 2015, was \$30,936,848. It consisted of \$23,949,929, or 77.42 percent, in state funding; \$1,903,112, or 6.15 percent, in federal grants; \$5,080,406, or 16.42 percent, in restricted receipts.

The Office of Attorney General's spending for FY15 general revenues is broken down as follows: personnel \$13,866,565, or 57.90 percent; benefits \$8,158,477, or 34.06 percent; purchased services \$141,148, or .59 percent; operating \$1,666,707, or 6.96 percent; tobacco litigation \$35,534, or .15 percent; and equipment \$81,497; or .34 percent.

The Attorney General continues to make it a priority to return as much money to Rhode Island taxpayers as possible by way of restitution, forfeitures, settlements, reimbursements, fines, and the collection of fees.

The annual amount of restricted funds stayed relatively stable over FY14 due to the spend down of \$4,367,115 in federal forfeiture funds during FY2015. These expenditures are related to the so-called "Google" settlement. The Office expended \$623,305 on the continued project of upgrading the state criminal history repository; \$69,600 as the first of many installments of creating a civil division case management system; \$519,07 remodeling the Licht Judicial Complex office spaces for staff assigned to that location (this included a complete gutting of the allocated space, installation of a new HVAC system, and new office furniture and fixtures); \$148,380 in annual operational costs for the 180 South Main Street facility; \$829,172 in architects, construction costs, furniture and fixtures, and

moving staff into the 180 South Main Street facility; and \$2,177,588 in new technologies systemwide that provided a unified virtual desktop operating system for all employees, modern back up and recovery system, integrated network enhancements providing a 10GB backbone, SAN storage capabilities, precious metals and pawns database, new IP phone system, and off-site disaster recovery back ups.

In FY2015, the budget provided for 236.1 full-time equivalent positions:

Administration Division	21.0	employees
Criminal Division	149.1	employees
Civil Division	45.0	employees
Bureau of Criminal Identification	21.0	employees

The Office of Attorney General is committed to maintaining a diverse workforce. As of June 30, 2015, the last official reporting period, minorities constituted 13 percent of the staff and women constituted 60 percent.

The Executive Division also manages the Scholastic Internship Program, in which 148 college-age and high school-age students participated in 2015. The program is a valuable on-site learning experience for the students, as well as a critical resource for the department, whose employees annually log approximately 20,000 hours of uncompensated overtime for the people of Rhode Island.

The Fiscal Office assists in the financial operations of the Office of Attorney General, including the submission of the annual budget, monitoring and controlling expenditures, processing state paperwork such as travel and invoice vouchers, purchase requisitions, maintenance and service contracts, and all other budget-related transactions. The fiscal office also handles payroll submission, accrual and discharge of vacation, sick, and personal hours, and payroll adjustments.

The Human Resources and Benefits Office processes all personnel actions and facilitates the employee benefits offered through the State throughout the employment cycle for the Office's employees.

The Information Technology Office is responsible for all technological devices and operating systems used to facilitate the work flow and work products maintained in each functional division.



## **Bureau of Criminal Identification**

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all descriptive and demographic information on individuals arrested and convicted of crimes in Rhode Island. In addition, BCI provides background check services to the public, reviews applications and issues licenses for concealed carry permits in the State of Rhode Island, and maintains multiple law enforcement databases, including the Rhode Island Criminal History (RICH), the Restraining Order and No Contact Order (RONCO) database, and Rhode Island Precious Metals and Pawn Database (RIPPD).

Of vital concern to those relying on the records maintained by BCI is the quality of the data contained in the system. In Rhode Island, information is primarily gathered through the Integrated Automated Fingerprint Identification System, or IAFIS, a national fingerprint and criminal history system that responds to requests 24 hours a day, 365 days a year to help local, state, and federal partners — and our own investigators — solve and prevent crimes. IAFIS provides automated fingerprint search capabilities, latent search capability, electronic image storage, and electronic exchange of fingerprints and responses.

Not only fingerprints, but also corresponding criminal histories, mug shots, scars and tattoo photos, physical characteristics like height, weight, hair and eye color, and aliases are entered into the IAFIS. The system is also employed for civil employment purposes as dictated by Rhode Island statutes.

Law enforcement agencies submit fingerprints and other identifying information via Live Scan machines. The information is transmitted via a dedicated, secure network to the FBI, where it is checked against more than 50 million records. Information is then transmitted back via the secure network to the submitting law enforcement agency. The information is also automatically entered into the Rhode Island Criminal History database maintained by BCI. The IAFIS system and the RICH database automatically share and update information in real time as it is electronically or manually entered.

As of December 31, 2015 the RICH database maintains the criminal history records of 290,556 individuals and approximately 1.27 million individual arrest charges.

In 2015, the Office began a system-wide upgrade to the IAFIS system, making it compatible with the FBI's Next Generation IAFIS (NGI), allowing the State to provide new functionality and improve existing capabilities.

This technological upgrade accommodates increased information processing and sharing demands from local, state, tribal, federal, and international agencies. The NGI system offers state-of-the-art biometric identification services and compiles core capabilities that serve as the platform for multimodal functionality.

While an overwhelming majority of information is gathered using Live Scan and IAFIS, there maintains a need to manually enter and catalogue fingerprints.

Last year, 29,971 fingerprints were electronically and manually submitted from arrests by Rhode Island law enforcement agencies, 18,822 civil fingerprints were processed by the Attorney General's IAFIS team, and 11,425 were processed by the local and state police for a total of 30,247 civil prints for the State of Rhode Island.

The BCI Unit is responsible for maintaining the accuracy of the information in the RICH database gathered through the IAFIS from the time of arrest to the culmination of the criminal proceeding. As such, the BCI Unit enters criminal case disposition information received from prosecutors and the Rhode Island Judiciary into the RICH database system, which automatically updates the IAFIS system. Last year, 18,664 dispositions were entered into the system by BCI personnel.

Rhode Island General Law §12-1-12 directs that those authorized to collect identifiers of persons arrested shall destroy them within 60 days after the accused has been acquitted or otherwise exonerated. Further, Rhode Island General Law §12-1.3 calls for the expungement of criminal records when certain criteria have been met. The BCI Unit manually processes all expungements and ensures the charge(s) is removed from the individual's criminal history. In 2015, approximately 8,369 expungements were processed.

#### ***Latent AFIS Station***

Latent finger/palm prints are those recovered from crime scenes either by photography, dusting powder, or a chemical reaction that allows a finger/palm print to be viewed with the naked eye and compared for identification purposes.

Police departments throughout Rhode Island send in latent prints lifted from crime scenes which are then scanned into the database where an electronic search is conducted against the local and national criminal fingerprint database. Results of the search are then reported to the requesting police department. The BCI Unit provides latent fingerprint searching services to all Rhode Island law enforcement agencies, as well as out-of-state law enforcement agencies, resulting in the successful clearing of numerous criminal cases through latent fingerprint identifications. In 2015, BCI personnel processed 60 cases, resulting in 39 positive identifications, or a 58 percent clearance rate.

#### ***Restraining Orders/No Contact Orders***

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within the Attorney General's BCI Unit. Orders generated by District, Superior, and Family courts, police departments, and bail commissioners must be filed upon issuance by faxing or delivering such orders to the BCI Office no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2015, BCI staff entered 8,175 temporary restraining orders/restraining orders and no contact orders into the database. In addition, BCI personnel verifies the accuracy of the information contained in the RONCO monthly.

### ***Warrants***

Since converting to a paperless warrant system, the courts and police departments enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside the State of Rhode Island (New England area or nationwide) must be entered and cancelled manually by BCI personnel. On occasion, local warrants must be upgraded as additional information is received on the wanted individual and the warrant is extended from "RI only" to New England or nationwide.

During the course of the year, BCI was responsible for the arrest of 109 individuals who had an outstanding warrant and appeared in the Office for BCI record checks.

### ***Criminal Record Requests***

One of the major functions of the BCI Unit is responding to individuals requesting criminal history checks. Due to increased security measures in both the private and public sectors, the need for employment background checks continues to rise. On average, in 2015, personnel at the BCI window in Providence served more than 300 people each day, Monday through Friday. In addition, BCI personnel respond to thousands of requests received annually by mail. In 2015, the BCI Unit generated \$344,025 in state background check fees.

There are several Rhode Island statutes which mandate that individuals seeking employment or licensing in specified healthcare, childcare, and education fields are subject to a nationwide criminal history background check.

Pursuant to the statutes, individuals seeking employment or licensing may respond to their local police department, the Rhode Island State Police, or the Office of Attorney General, where they are fingerprinted. Upon receiving the information from the FBI, BCI personnel notify the employer by mail if the individual's record includes a criminal offense that disqualifies the individual from holding a certain position.

During 2015, BCI personnel processed 18,822 national background checks for various employment and licensing requirements, including school applicants, physician and nursing licenses, security guards, Twin River and Newport Grand employment, and out-of-state financial brokers, among others.

### ***Pistol and Revolver Permits***

Rhode Island General Law §11-47-18 empowers the Attorney General to issue a license or permit to state residents 21 years of age or older to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Office also considers the issuance of a restricted permit for specified purposes.

As of December 31, 2015, there were 2,813 active pistol permits in Rhode Island issued by the Office of Attorney General. During calendar year 2015, a total of 563 pistol and revolver permit applications were processed, of which 198 were new applications and 365

were renewals. Ninety percent (98) of new applications were approved and 96 percent of renewal applications were approved.

### ***Security Guard Licensing***

Under Rhode Island General Law §5-5.1-13, the Attorney General is responsible for the licensing of private security guard businesses. The obligation is set forth in the Rules and Regulations established pursuant to the Private Security Guard Act of 1987. Federal guidelines now require that all security guards be fingerprinted for a national background check. BCI is charged with ensuring that all security guard companies, their employees, and management personnel comply with the Act. Presently, BCI has 86 active security guard licenses on file.

### ***Precious Metals Unit Background & History***

The Office of Attorney General maintains the Rhode Island Precious Metals and Pawn Database (RIPPD). The RIPPD captures information from sales and pawn transaction records that by law are electronically submitted to the Office of Attorney General by precious metals dealers and pawn shops.

The RIPPD is a critical law enforcement tool that aids police in the recovery of stolen jewelry and other precious metals. At the present time, the database is being accessed by police officers representing all Rhode Island police departments, as well as Southeastern Massachusetts and Connecticut police departments and federal agencies. The growth of access continues to increase as more out-of-state police departments learn about this valuable law enforcement tool that enables investigators to search by item description, date of transaction, dealers, and sellers.

As a result of the information contained in the RIPPD database, defendants have been charged with a variety of felonies such as murder, burglary, arson, receiving stolen goods, breaking and entering, larceny, possession of burglary tools, and larceny of a firearm. The descriptive information received from the database led police to the owners of the precious metals and aided in the apprehension of defendants.

In January 2015, the Office created a new database called the License and Sales Tracking System, a completely electronic system which allows data to flow more quickly, resulting in it being a more timely and effective tool for law enforcement to utilize.

Last year, 81,384 sale transactions slips containing precious metal and pawn items were electronically entered into the database. As of December 31, 2015, there were more than 1.68 million precious metal and pawn items contained in the RIPPD.

Precious metals licenses are reviewed and issued through the Precious Metals Unit. National background checks are conducted on all precious metals and pawn shop agents, as well as their employees.

## **Civil Division**

By law, the Attorney General represents the State, its agencies, and its employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees, and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people. In 2015, the Civil Division opened 1,333 new matters and closed 1,772 files.

### ***Antitrust Unit***

The Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within the State of Rhode Island. Because of their complexity and the large amount of discovery, the Attorney General investigates many matters as a member of the National Association of Attorneys General Antitrust Task Force and through various multistate working groups.

The Rhode Island Antitrust Act, enacted by the General Assembly in 1979, gives the Attorney General the statutory authority to institute suit against persons, corporations, and other legal entities that are in violation of state or federal antitrust laws. The Act applies to all types of economic activity having an impact on trade or commerce in Rhode Island adequate to support the jurisdiction of the Superior Court. The Act contains analogues to Sections 1 and 2 of the federal Sherman Act and Section 3 of the federal Clayton Act.

During 2015, the Attorney General actively participated in litigation that included a verdict in favor of the States in the matter of United States, et al. v. American Express Company, et al., U.S.D.C. for the Eastern District of New York, No. 10-CV-4496. The decision in this case supported the Attorney General's position that the fee contracts executed between merchants and American Express are violations of antitrust statutes and increase the costs of goods to consumers. American Express has appealed the decision to the United States Court of Appeals for the Second Circuit.

The Antitrust Unit also participated in multistate investigations of possible antitrust violations in the pharmaceutical industry, the healthcare industry, the information technology industry, the agricultural industry, matters involving the rights of indirect purchasers, industries that use vertical restraints, the credit rating industry, and the gasoline industry. The Attorney General, in cooperation with other states and the Federal Trade Commission, also participated in investigations of proposed mergers.

### ***Charitable Trust Unit***

The Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit supervises and enforces laws and regulations concerning charitable trusts and restricted funds, and administers approximately six hundred trusts containing over a half billion dollars in charitable assets. The Charitable Trust Unit enforces statutes concerning the administration,

operation, and disposition of Rhode Island charitable trusts. The Unit maintains a database of all registered trusts and is responsible for representing the public interests in court proceedings involving charitable assets. The Unit also responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries, and the public.

During 2015, the Attorney General participated as amicus curie in the litigation entitled Congregation Jeshuat Israel v. Congregation Shearith Israel, U.S.D.C. for the District of Rhode Island, No. 12-822M. This crux of the litigation involved the ownership of a set of colonial era finials, or rimonim, created by the famous silversmith Myer Myers. A secondary issue was whether the building known as Touro Synagogue, located in Newport, Rhode Island, is held in a charitable trust, and if so, for the benefit of whom. The Attorney General intervened as amicus in April 2015 and representatives from the Office attended the almost two-week trial in the U.S.D.C. for the District of Rhode Island in June 2015. Subsequent to trial, the Attorney General submitted an amicus brief taking the position that the Touro Synagogue is held in a charitable trust for the benefit of the "Jewish Society of Newport." As to the rimonim, the Attorney General took the position that ownership of the rimonim was a private property dispute, therefore, outside of the Attorney General's jurisdiction as Administrator of Charitable Trusts. By the end of 2015, a decision had not been rendered.

### ***Civil Rights Advocate***

The duties and responsibilities of the Civil Rights Advocate include training and education, reviewing complaints, conducting investigations, and bringing civil actions under the Attorney General's Civil Rights Advocate statute, R.I. General Laws § 42-9.3-1.

To file suit, the statute requires use of force or violence, property damage, or the threat thereof, which interferes with Federal or State constitutional or statutory rights. If such facts and circumstances are present, the Attorney General may bring a civil action in the name of the State on behalf of the person(s) aggrieved, seeking an injunction, monetary penalty up to \$5,000, and other appropriate relief.

In 2015, the Office continued its long-standing Hate Crimes and Civil Rights Training for Law Enforcement. The Office provided training for 149 individuals, as follows: 92 recruits at the Municipal Police Academy, 44 officers from statewide police departments, and 13 public safety officers at the University and College Public Safety Academy. Of note, next year, in addition to several classes at the Municipal Police Academy, recruits at the Rhode Island State Police Academy and the Providence Police Academy will be trained.

The Office continues to work with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school. The long-range plan is to educate teachers, administrators, and students on issues of hate crime and civil rights in schools with the goal to make schools safer and foster education, tolerance and civic responsibility.



### ***Consumer Protection Unit***

The Consumer Protection Unit investigates and mediates consumer complaints concerning unfair and unlawful business practices and misleading advertising arising out of alleged violations of the Deceptive Trade Practices Act. If groups of people are victimized by a deceptive trade practice, the Attorney General may file a civil investigative demand in Superior Court commencing a formal investigation. In appropriate cases, a lawsuit to stop the illegal business practice may be initiated.

In 2015, the Consumer Protection Unit responded to 5,000 phone and email inquiries. These inquiries led to 1,250 written complaints. In 2015, the Consumer Protection Unit recovered approximately \$300,000 on behalf of individual consumers and more than \$775,000 for the State through multistate settlements.

In addition to carrying out its statutory responsibilities, the Unit also provided information and referral services to the general public. Last year, 340 consumer complaints were referred to appropriate governmental or private agencies for help in answering specialized questions or resolving disputes that were not within the Attorney General's jurisdiction. The Unit also registered telemarketers, resulting in \$2,100 in fees for the State in 2015, and registered health clubs, resulting in \$7,650 in fees.

The Consumer Protection Unit provided 70 outreach presentations to senior centers, community groups, and organizations throughout Rhode Island in an effort to educate and protect Rhode Islanders from scammers.

In addition, multiple consumer alerts/advisories were issued during 2015. The advisories alerted consumers to data breaches, informed them of consumer settlements, provided smart shopping tips, and educated consumers about a number of persistent scams, including the "IRS" scam, the "Grandparent" scam, the "National Grid" scam, and the "Windows Support" scam, among others.

The Office partnered with Doc Shredding Corp. and provided nine free shredding events throughout Rhode Island in an attempt to provide a safe way for consumers to discard documents and avoid possible identity theft issues.

The Office also issued letters to specific companies that experienced data security breaches and reminded the businesses of their responsibilities pursuant to the provisions of the Rhode Island's Identity Theft Protection Act.

### ***Environmental Advocacy Unit***

By statute, Environmental Advocate in the Office of Attorney General initiates pro-environmental litigation, lobbying, and education on behalf of the public.

In 2015, Attorney General Kilmartin distributed additional funds won in his AEP litigation (*i.e.*, using proceeds from a lawsuit regarding violations of the Clean Air Act). Attorney General Kilmartin provided half of the \$200,000 in incentives for Rhode Island residents

who purchase or lease a new electric vehicle from a Rhode Island automobile dealer. The funding was made available to consumers in the form of a rebate of up to \$2,500.

Using the same court award, Attorney General Kilmartin gave \$150,000 to the Childhood Lead Action Project and \$143,000 to the Green & Healthy Homes Initiative to provide healthy housing upgrades to hundreds of low-income homes.

The AEP case is part of a broad array of cases aimed at clean air and reduced global warming in which the Attorney General participates jointly with attorneys general from other states.

For example, in West Virginia v. EPA, No. 15-1363 (DC Cir.), Rhode Island and other states intervened in support of EPA's Clean Air Act standards for existing power plants (the "Clean Power Plan"), which would reduce greenhouse gas emissions in the United States. Although the matter is still in briefing before the D.C. Circuit Court of Appeals, as the year drew to a close the Supreme Court was considering imposing an unusual stay on the regulations, something that Rhode Island, and aligned states, resisted.

Another example is Michigan v. EPA, No. 14-46. (U.S. 2015) *on appeal from, and on remand as, White Stallion Energy v. EPA*, No. 12-1100 (D.C. Cir.). In this case, Attorney General Kilmartin and other states intervened to support EPA's Mercury and Air Toxics (MATs) Rule. The Supreme Court of the United States remanded the case back to D.C. Circuit to force EPA to reconsider the cost of the Rule.

Delta Construction v. EPA, No. 11-1428 (DC Cir.) was successfully concluded in 2015. The decision upheld EPA's rules regarding greenhouse gases emissions from medium and heavy trucks. Attorney General Kilmartin successfully joined with other states to intervene in order achieve this positive result.

In one instance during 2015, Attorney General Kilmartin's participation in one multi-state case set the stage for another. In New York v. EPA, No. 13-1553 (D.C. Cir.), Rhode Island joined with others to force EPA to promulgate rules on outdoor wood boilers. No sooner had EPA done so when the boiler industry sued EPA. Thereupon, the State, with others, backed-up the EPA with an *amicus* brief in Hearth, Patio, & Barbecue Assoc. v. EPA, No. 15-1056 (D.C. Cir.).

The heart of the Unit's work remains the enforcement of Rhode Island Department of Environmental Management (DEM) orders. The Unit is carrying twenty such cases ranging from leaking tanks to failed sewage systems to illegal filling of wetlands.

The Attorney General, together with the DEM, is pressing litigation aimed at cleaning up a marine scrap yard alleged to cause both pollution and navigational hazards. In this pending case, the Attorney General has asked the Superior Court to impose a receivership (a judicially-ordered trusteeship). See Coit v. R.I.R.M., C.A. No. PB-2015-0890.

Keeping waterways open is not the only contribution Attorney General Kilmartin has made to our State's recreational resources. While not successful at the trial-court level in his suit seeking to enforce the public's alleged rights to enjoy a nearly two-mile section of the Misquamicut beachfront, Attorney General Kilmartin is now mounting an appeal.

Another case involving recreational access is Preserve at Boulder Hills, LLC v. Evans & the State of RI, CA. No. WC2014-0392. The North-South trail is a 23-year-old hiking trail that crosses the length of the state in its western part. A dispute arose several years ago over the roadway that forms part of the North-South trail. The Attorney General is involved to assure that non-motorized recreational will continue at this location.

Finally, the Environmental Unit has defended the State when the State was sued for alleged pollution. In EPA v. RIDOT, the Unit represented the State regarding alleged Rhode Island Department of Transportation (RIDOT) violations of its Clean Water Act storm-water discharge general permit. As part of the settlement, RIDOT will transfer 55 acres to Audubon Society in Smithfield and 25 acres to DEM adjacent to Lincoln Woods.

### ***Health Care Advocate***

The Health Care Advocate represents Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions, to intervene in or request initiation of administrative action related to health care and health insurance, to investigate complaints to assure the delivery of quality health care, to educate the public, to engage in legislative advocacy, to initiate formal legal actions concerning health care, and to advocate for changes to support quality and affordable health care. Many patients, family members, and providers turn to the Health Care Advocate for assistance.

The Health Care Advocate is appointed to or attends several health care-related boards and committees and reviews proposed regulations and legislation. The Health Care Advocate also assists consumers with various issues, including access to medical records, privacy questions, and assistance with navigating the various agencies governing health care complaints.

Within the past year, the Health Care Advocate has received an Expedited Review Hospital Conversions Initial Application proposing the affiliation of Yale New Haven Health Services Corporation and Lawrence + Memorial Corporation, which owns LMW Healthcare, Inc., d/b/a the Westerly Hospital. Once the application is deemed complete, a 90-day review of the sale will commence ultimately resulting in a decision pursuant to the Hospital Conversions Act. Hospital conversion reviews involve a substantial amount of work, including document review, conducting interviews, and holding public meetings.

In addition, the Health Care Advocate is charged with enforcing compliance with decisions made pursuant to the Hospital Conversions Act. Since 2013, the Health Care Advocate has concluded four hospital conversion reviews and reached decisions pursuant to the Hospital Conversions Act involving the following entities: the Landmark

Medical Center and Rehabilitation Hospital of Rhode Island, the Westerly Hospital, the Memorial Hospital and Roger Williams Medical Center and Our Lady of Fatima Hospital. These hospital conversion decisions all include certain conditions of approval. The Health Care Advocate is currently monitoring these conditions.

### ***Insurance Advocacy Unit***

The Insurance Advocacy Unit's primary function is to represent, protect, and advocate for the rights of consumers at insurance rate hearings and in the insurance marketplace pursuant to Rhode Island General Laws § 27-36-1. In addition, many people turn to the Insurance Advocate to assist them with insurance-related issues, such as denials of payment for treatment, access to medical treatments and procedures under their policies of insurance, and other rights under their various policies of insurance and Rhode Island laws.

The role of the Advocate in connection to rate change requests for insurance providers is to independently evaluate the validity of the rate increase requests, and when appropriate, recommend alternative rates to the regulatory agency.

During 2015, the Unit represented the rights of Rhode Island citizens in connection with one rate filing that was heard in a public hearing before the Office of Health Insurance Commissioner (OHIC) and was subsequently appealed to the Rhode Island Superior Court, as well as reviewed 30 rate and form filings filed with the OHIC.

Blue Cross and Blue Shield of Rhode Island sought an increase of 17.9% in the Essential Health Benefit ("EHB") rate average for its Direct Pay subscribers. Blue Cross subsequently modified its requested EHB rate increase to 18% and then lowered it to 14.2% after receiving the revised OHIC template just prior to the hearing. Just prior to the commencement of the public hearing, Blue Cross received additional funds from the federal government through the risk adjustment program and the federal transitional reinsurance program (amounting to over \$5 million) which became a point of contention during the rate hearing. Although the report and recommendation of the Commissioner's designee, the hearing officer who heard all the evidence and was present for all of the hearing recommended that these funds be returned dollar for dollar to the ratepayer, this recommendation was overruled by the commission in her Order and Decision. This decision was subsequently appealed to the Superior Court by Attorney General Kilmartin. The ultimate decision of the Superior Court was to uphold the Order and Decision of the Commissioner of OHIC and the rates resulting there from were allowed to be implemented by Blue Cross.

During the course of the year, the Unit Chief also attends regularly scheduled meetings of the Governors Insurance Council as the Attorney General's designee by appointment of the Governor. This council meets to discuss matters pertaining to various types of insurance and provide advice and counsel to the Governor.

Additionally, members of the Unit routinely attend meetings of the Health Insurance Advisory Council to stay informed as to matters relating to health insurance transpiring in the Rhode Island community.

The Insurance Advocacy Unit is funded by statute, R.I. Gen. Laws §27-36-2 and it is the responsibility of the Insurance Unit to collect the assessments made by the Department of Business Regulation (DBR) on an annual basis. In 2015, the Insurance Unit collected the complete assessment from 475 companies that were assessed by the DBR for this purpose.

As necessary, the Unit Chief has served as a member of the hospital conversions review team. During 2015, the Unit Chief conducted a review of a proposed hospital merger and prepared the recommended report and decision for the Attorney General's review and decision thereon.

Additionally, during the course of each year, the Insurance Advocacy Unit provides assistance to numerous consumers regarding complaints concerning disputes with insurance companies, particularly with respect to claims regarding health insurance matters.

#### ***Legal Counsel to the Contractors' Registration and Licensing Board***

The Office of Attorney General provides legal counsel to the Contractors' Registration and Licensing Board (CRLB). The CRLB regulates the construction industry through registration requirements and conducts administrative hearings for individuals aggrieved by residential contractors. As legal counsel to the Board, the Office enables residential homeowners to avail themselves of the dispute-resolution process at the CRLB in lieu of pursuing a private action in court.

When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Office of Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure of recourse. Through a cooperative partnership between the Office's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

In 2015, the CRLB received 260 new claims, closed 236 claims, opened 724 violations, and closed 588 violations. Through the dispute resolution process, the CRLB prevailed in collecting more than \$347,481 in restitution for claimants and more than \$84,947 in fines. Additionally, 22 contractors were referred to the Office of Attorney General for criminal prosecution. The amount of restitution ordered through the courts was approximately \$114,421 and the amount of fines ordered by court or remaining with the CRLB was approximately \$95,000. District Court judges continued entering civil judgments on these matters to provide homeowners with the ability to continue to pursue the matter and execute a judgment after probation closed.

The Office of Attorney General acted as liaison between homeowner-victims and the criminal court's probation system to ensure receipt of restitution and communication

between parties. The Office also served as legal counsel during Board meetings, provided the Board with legal advice on a host of issues, and handled administrative appeals filed in Superior Court. Additionally, the Office assisted with the updating of the CRLB's rules and regulations and worked actively throughout 2015 to create and implement new licensing programs for underground utility contractors, well drilling contractors, commercial roofers, and home inspectors.

### ***Open Government Unit***

The Open Government Unit investigates complaints filed against public bodies in Rhode Island for violations of the Open Meetings Act (OMA) and/or the Access to Public Records Act (APRA). In 2015, the Unit received 115 open government complaints and issued 20 findings under the OMA and 56 findings under the APRA.

In total, the Unit determined that public bodies violated the OMA on 10 occasions and the APRA 25 times. In the majority of these cases, the Unit issued warnings to the public body or directed the public body to take specific remedial actions. In four instances, the Open Government Unit filed lawsuits seeking civil monetary penalties and/or injunctive relief against the Manville Fire Department, the Albion Fire District, the Western Coventry Fire District, and the Warwick Retirement Board. A fifth lawsuit was filed in 2015 against the Nasonville Fire Department relating to a finding issued in 2014. The five lawsuits filed in 2015 are the most open government lawsuits filed by the Attorney General in one calendar year since at least 1999.

The Unit continued to encourage open government through outreach and education. In 2015, Attorney General Kilmartin hosted two Open Government Summits to educate officials and the public on the APRA and the OMA. Held in January and August, the Open Government Summits attracted more than 1,000 attendees and were streamed live over the Internet for the fourth year in a row. To encourage additional training, Attorney General Kilmartin has made the materials and video available on the Office website, accessible 24 hours a day, 7 days a week, and Unit staff traveled across the State to hold mini-summits upon request by city and town public bodies.

### ***Public Utilities Regulatory Unit***

The Public Utilities Regulatory Unit represents the ratepayers and citizens of the State of Rhode Island in all matters affecting the provision of public utility service as defined by Rhode Island General Laws §39-1-5. Such services include those that certain municipal and investor-owned utilities provide to Rhode Island consumers in the areas of electric, gas, water, and sewer, as well as all common carrier services, *i.e.*, taxi, non-consensual tow, moving, and limousine companies operating in the State.

The primary role of the Unit is to serve as legal counsel to the Division of Public Utilities and Carriers (the Division) in proceedings before the Public Utilities Commission. In this capacity, the Unit provides legal counsel to the Division with the principal aim of protecting ratepayers from public utilities' efforts to charge unreasonable rates or engage in



unreasonable practices. The Unit represents the Division before all state and federal trial and appellate courts of competent jurisdiction.

In 2015, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, electric, sewer, and municipal water, generating approximately \$6.27 million in savings and fines for Rhode Island ratepayers and consumers. Proceedings resolved included successfully advocating for \$724,000 in savings from the amount requested by a local water utility.

The Unit successfully obtained dismissal of a complaint at the Federal Energy Regulatory Commission seeking an Order invalidating Rhode Island's Deep Water Wind project and an end of billing adjustments of approximately \$1.28 million per year on behalf of the Attorney General. The Unit also negotiated a settlement with the State's principal electric utility in connection with the utility's infrastructure, safety, and reliability plan, saving ratepayers a total of \$4 million, and successfully defended a declaratory judgment action which sought to invalidate a utility rule for requiring a commercial customer to install a backflow preventer on his property.

Lastly, in proceedings before the Division, the Unit assisted the agency in collecting over \$122,800 in civil fines against taxi, ferry, movers, and towing companies for a variety of regulatory violations.

### ***Tobacco Enforcement Unit***

In 1998, the State of Rhode Island was one of 52 states and territories (Settling States) that entered into the Tobacco Master Settlement Agreement (MSA) with the major tobacco manufacturers (Manufacturers). The Tobacco Enforcement Unit's primary responsibility is to hold the Manufacturers accountable for strict compliance with the MSA, namely its public health, marketing, and payment provisions. This is done by regularly collaborating with attorneys general throughout the country on compliance and enforcement strategies and tobacco prevention, and working to make laws dealing with tobacco work more effectively.

The Office is charged with enforcing certain provisions of the MSA, including the close monitoring of the tobacco companies' annual payment to Rhode Island through review of relevant notices and spreadsheets provided to all signatories of the MSA by the Independent Auditor (PricewaterhouseCoopers) and the National Association of Attorneys General. In 2015, Rhode Island, through the Office of Attorney General, collected over \$45 million from the Manufacturers in accordance with the Manufacturers' MSA payment obligations.

In accordance with certain other MSA provisions, the Tobacco Enforcement Unit also oversaw manufacturers' certification and worked with the Rhode Island Division of Taxation to diligently enforce the provisions of Rhode Island's Escrow Statute.

The MSA has given rise to numerous lawsuits and legal issues, for example, the long-standing dispute between the Manufacturers and the Settling States relating to the Non-

Participating Manufacturer (NPM) Adjustment Disputes. The MSA requires Manufacturers to make annual payments into an account that is distributed to the Settling States based upon a formula related to each state's respective shares to the Settling States. Many adjustments are included in the calculation of these annual payments, such as the NPM Adjustment. A condition of the MSA allows for this downward adjustment in payments by the Manufacturers if their market share drops by more than two percent nationally and if the Independent Auditor determines that the MSA was a significant factor in that drop.

Pursuant to the MSA, each Settling State could avoid a recovery from the Manufacturers if it enacted and "diligently enforced" a qualifying statute by which it compelled tobacco manufacturers who are not parties to the MSA to make payments into escrow accounts that would approximate the charges required from the settling Manufacturers.

In November 2011, the Manufacturers challenging the States' diligent enforcement of their respective qualifying statutes decided not to contest Rhode Island's diligent enforcement. As a result, Rhode Island was not subject to the NPM Adjustment, saving the State millions of dollars. In December 2012, the Arbitration Panel, which was convened for the 2003 NPM Adjustment Dispute, issued an award that incorporated certain provisions of a term sheet in connection with a settlement agreement the Manufacturers reached with certain MSA states and territories; the term sheet resolved claims relating to NPM adjustment disputes, including the 2003 dispute. Subsequent to December 2012, other states have joined the term sheet or otherwise settled with the tobacco companies. Rhode Island is among the current 26 states and territories that did not accept the terms of the term sheet or another settlement, so the NPM Adjustment disputes between Rhode Island and the Manufacturers for future years remain unresolved.

Rhode Island is engaging in the necessary steps to assert that it had both enacted a qualifying escrow statute and diligently enforced its statute for year 2004 (and all other years). The 2004 NPM Adjustment dispute remains ongoing.

In September 2014, Oppenheimer Rochester High Yield Municipal Fund et al sued the State of Rhode Island ("State") and the Tobacco Settlement Finance Corporation ("TSFC") over a proposed bond transaction that would refinance certain outstanding tobacco bonds. See Oppenheimer Rochester High Yield Municipal Fund vs. Tobacco Settlement Financing Corporation, C.A. No. PB 14-3857. Oppenheimer sought to stop what is now known as the 2015 Bond Transaction ("Transaction"), which allows the State to save hundreds of millions of dollars through the Corporation's refinance of existing bonds at lower rates. On December 8, 2014, there was a hearing on the State's Motion to Dismiss and the Corporation's Motion for Summary Judgment (which the State joined). Superior Court Justice Silverstein granted the motion for summary judgment for the Corporation and the State. Oppenheimer appealed this decision to the Rhode Island Supreme Court, but the parties entered into a stipulation of dismissal of all claims with prejudice and the appeal was withdrawn. The 2015 bond transaction closed on March 19, 2015, and the State received \$36 million immediately and is entitled to receive 30% of certain amounts of tobacco settlement revenues held in a disputed payments account. Additionally, the transaction is estimated to save the State \$900 million over the next forty years.

## **Criminal Division**

The Attorney General of the State of Rhode Island is charged with the responsibility of prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by State law enforcement agencies, all misdemeanor cases appealed to the Superior Court, and all violations of probation or bail. In cases of misdemeanor violations of probation, where the new charge is a misdemeanor, the Office is also tasked with the responsibility of prosecuting the misdemeanor case.

The Criminal Division is comprised of 151.1 staff members, consisting of prosecutors, paralegals, secretaries, victim advocates, and investigators. These individuals work together to assist the Attorney General in fulfilling his Constitutional obligations. Cases are prosecuted by attorneys assigned to the general criminal trial calendar and through specialized units focusing on white-collar crime, narcotics and organized crime, gangs, firearms offenses, juvenile offenders, domestic violence, sexual assault, child abuse, Medicaid fraud, arson, elder abuse, and traffic safety.

In 2015, the Office was again allocated an attorney from the Rhode Island Department of Labor and Training to handle the review and prosecution of unemployment insurance fraud, workers' compensation fraud, prevailing wage, and payment of wages cases.

The Criminal Division works closely with local law enforcement, assigning Superior Court prosecutors to act as liaisons to each of the forty-four law enforcement agencies in the State in order to provide legal assistance, and with our federal partners making joint decisions on which office should assert jurisdiction where both state and federal charges are viable.

Prosecutors are available to law enforcement 24 hours a day, seven days a week, to assist in serious matters or complex investigations. During the weekends and holidays, prosecutors rotate coverage to handle the presentation of violations of probation and bail. In 2015, prosecutors logged more than 500 uncompensated hours in weekend duty alone, providing coverage for all areas of the State. In addition, prosecutors and support staff consistently worked beyond their 35-hour work-weeks, ensuring court calendars were completed, witnesses were interviewed, and cases were well prepared for trial. Altogether, members of the Criminal Division documented more than 12,000 uncompensated hours in 2015.

The volume of cases handled by the prosecutors in the Criminal Division is staggering. Intake Unit prosecutors in Providence County reviewed cases for felony screening and Grand Jury presentations and negotiated case dispositions through the pre-arraignment calendar. Prosecutors assigned to the trial calendars and specialized units focused on trial preparation, handling cases from the pretrial stage through to disposition. A county prosecutor traveled to each of the county offices to handle felony screenings for Kent, Newport, and Washington Counties, and Statewide Grand Jury presentations were handled by various prosecutors throughout the Division.

In 2015, the Providence Intake Unit reviewed a total of 3,882 packages, ensuring there was sufficient evidence to go forward in the Superior Court. The screening prosecutor reviewed 3,592 packages for information charging, and in Grand Jury, prosecutors reviewed 290 packages for presentment to the Providence County Grand Jury. In total, the Providence County Intake Unit filed 3,073 felony cases and 173 indictments were issued by the Providence County Grand Jury. The County offices also screened 1,800 felony packages for charging, an increase from 1,700 in 2013. Statewide, the Office proceeded to file criminal informations and indictments with the Superior Courts in 4,826 felony cases.

Prosecutors disposed of 5,070 felonies and 247 misdemeanor appeals statewide. In total, there were 4,076 cases disposed by plea negotiations, accounting for 76% of the disposed cases handled throughout the State.

Last year, prosecutors handled 101 new applications for post-conviction relief, an increase from 2014 of 17 cases. The Division has continued to have one prosecutor who is assigned to the Appellate Unit designated to handle post-conviction matters in complex cases and where the trial prosecutor has left the office. This redistribution of resources frees up valuable time for trial prosecutors to concentrate on their criminal cases. In Providence County alone, Special Assistant Attorney General Jeanine McConaghy brought 33 post-conviction matters to a conclusion, of which 22 applications were denied and 11 matters were granted. During 2015, the Appellate and Post-Conviction Relief Unit filed eight pre-briefing statements relative to an action in the Superior Court for post-conviction relief.

During 2015, Special Assistant Attorney General McConaghy and Assistant Attorneys General Patrick Youngs and Christopher Bush spent a vast amount of time during the year defending against the post-conviction relief efforts of Raymond Tempest. While the hearing justice did grant the petition with respect to several of the issues, the State is appealing the determination.

The Appellate Division enjoyed tremendous success again this past year, prevailing in well over 96 percent of its total Supreme Court case docket. The Unit submitted 34 pre-briefing statements, 16 full briefs, and 20 miscellaneous filings to the state Supreme Court, and litigated eleven federal habeas corpus actions in the federal district court for the District of Rhode Island.

In 2015, the Criminal Division continued to defend leveling decisions of the Sex Offender Board of Review who are appealing their level 2 or 3 risk assessment. There were 27 new filings on behalf of the Board this year, in addition to the 20 pending matters from previous years. The successes before Magistrate Flynn can be measured in the Court affirming 23 of the appeals heard. Only one matter was reversed, six filings were withdrawn and one was defaulted. Sixteen appeals remained pending at the close of 2015.

The Criminal Division has continued to work with the Rhode Island Superior Court to assist on the Domestic Violence Calendar administered by Justice Susan McGuirl. This year, the Domestic Violence and Sexual Assault Unit provided trainings for recruits at both the

Rhode Island and Providence Municipal Police Academies, instructing on all matters of domestic violence ranging from sexual assault and strangulation to sex trafficking and basic evidence collection in domestic violence cases where this is no cooperating victim. Prosecutors from the Domestic Violence and Sexual Assault Unit also participated in the training of emergency room personnel at local hospitals on interviewing and collecting evidence from victims, as well as medical professionals and animal control officers on the emerging issues of domestic violence and animal abuse.

The Office's involvement in human trafficking related issues also continued into 2015. Division prosecutors were involved with the Task Force on Human Trafficking, attending meetings throughout the year and drafting protocols for handling sex trafficking cases. The guidelines were developed to assist prosecutors, investigators, medical personnel, and counselors in the handling of these types of cases. Division prosecutors have been cross-designated with the United States Attorney's Office and have been involved in joint investigations and prosecutions of these heinous crimes. In this arena, prosecutors from the Office worked closely with representatives from the Department of Children, Youth and Families, the United States Attorney's Office, Day One, Hasbro Children's Hospital - Aubin Center, Homeland Security, State Police, the US Marshalls, Warwick Police, Pawtucket Police, the FBI, and more.

In May of 2015, the Division participated in a panel discussion hosted by Day One on the forthcoming protocols and child sexual exploitation in the community. Also in 2015, the Office of Attorney General joined the United States Attorney's Office, the Rhode Island State Police, and the Airport Police in hosting a seminar on human trafficking issues for law enforcement and social service and hospital personnel, stressing the importance of information gathering and close working relationships between all levels of law enforcement. In 2015, there were approximately seven cases of human trafficking charged at the State level, with several more at investigatory stage.

In 2013, the Criminal Division began working with the Department of Labor and Training (DLT), devoting a prosecutor specifically to the investigation and prosecution of cases stemming from their Department. In 2015, a new Special Assistant Attorney General was moved into the position, and disposed of 12 cases, with restitution of more than \$212,000 being ordered by the Courts at the time of disposition. The DLT prosecutor also handled prevailing wage cases involving contractors who are awarded contracts with the State of Rhode Island and who are required to comply with prevailing wage statutes.

In an effort to combat fraud in our social service and safety net programs, a Cooperative Disability Investigations (CDI) Unit was established in 2015 with the Social Security Administration (SSA) to investigate and prevent fraud in SSA's disability programs before benefits are ever paid. The Unit investigates Social Security disability claims and individual disability claims, identifying lawyers, doctors, and translators, as well as other third parties, who facilitate disability fraud. The results of these investigations are presented to the State's Disability Determination Services for their use in making timely and accurate disability determinations. CDI findings may also, at times, be sent to state (and federal) authorities for consideration of prosecution within the White Collar Crime Unit.

Since taking office, Attorney General Kilmartin has dedicated office resources to a specialized Veterans Court calendar in Kent County District Court. The program, formally known as The Alternative to Sentencing and Trauma Recovery in Rhode Island - Focus on Veterans (ASTR RI), began referrals to the District Court in April of 2011. In 2015, 109 referrals were made to the program, with approximately 69 cases accepted and 65 cases successfully completed. The focus of the court continues to be the providing of wrap-around services to the offender, who has suffered some service-related trauma which has likely contributed to the individual's involvement in the criminal justice system. Mental health, alcohol and drug addiction, homelessness, and other issues related to an individual's military service are addressed in this court, with the goal of rehabilitation and diverting that veteran from incarceration or other criminal consequence.

The Kent County office also serves as the site for a pilot program in Superior Court in which Justice Assistance, in partnership with the Brown University Alpert Medical School and School of Public Health, is developing and testing a supervision model for offenders released with pre-trial conditions and in need of treatment. Since its inception, more than 39 referrals were made to the program, with all but six cases being accepted after making it through the screening.

In 2015, Assistant Attorney General and Chief of the Criminal Division Stacey P. Veroni represented the Attorney General as a member on the Rhode Island Overdose Prevention Task Force, which was established to address the State's drug addiction and overdose epidemic. The Task Force did a tremendous amount of work in finding real, long-term solutions to the opioid and overdose crisis. The Task Force developed a strategic plan for our State, focusing on four strategies: a Treatment Strategy, which encourages medication-assisted treatment; a Prevention Strategy, which tracks the number of benzodiazepines and opioid prescriptions dispensed within 30 days for the same patient through a prescription monitoring program; a Recovery Strategy to expand recovery supports, recovery coaches in ED, centers of excellence; and a Rescue Strategy, through the distribution of Naloxone, which is a medication used to reverse the effects of opioids, especially in overdose.

Chief Veroni also participated in meetings for the Police Chiefs' Committee on Police Use of Body Worn Cameras with the focus on the possible use of body worn cameras by law enforcement officers, the establishment and development of statewide policies and procedures, and the education of the general public and law enforcement agencies on the use, and issues raised with this new technology.

A core tenet of the Office of Attorney General is to provide training and educational opportunities for the staff. Division prosecutors attend trainings through the National Advocacy Center, National Assistant Attorneys General Association, the American Prosecutors Research Institute, NESPIN (New England State Police Information Network), and the Rhode Island and Pawtucket Bar Associations. Prosecutors attended various courses, including presentations on topics such as Computer Forensics, Psychology in the Workplace, National Background Checks, Child Abuse, Lifesavers, Sounding the Alarm on Mass Incarceration, Cybercrime, Public Corruption, Cold Cases, Gangs, Medicaid Fraud,



Appellate, Basic Training in Forensic Mental Health, Human Trafficking, Extraditions, Anatomy of a Nursing Home Failure of Care, Arson, Wiretaps and Confidential Informants, Hate Crime, Cyber Safety, Victim Services, Ethics, Drunk Driving, Drug Courts, Advanced Trial Technology, Trial Advocacy, Responding to the Epidemic of Opioid Addiction, Amber Alert, Active Shooter, Public Corruption, and Criminal Intelligence.

In 2015, Criminal Division prosecutors continued to collaborate with outside agencies and provide training to the various schools and law enforcement agencies around the State, including the Zero Fatalities Program at the Adult Correctional Institution, the Rhode Island Municipal Police Academy, Roger Williams University, Department of Elderly Affairs, the Rhode Island State Police Training Academy, and Day One. Criminal prosecutors consistently trained officers, advocates, students, and lawyers in the areas of victim assistance, legal methods, medical marijuana, sexual assault investigations, elder abuse, and hate crimes. Several prosecutors also volunteered for moot court competitions at Roger Williams School of Law and for the Rhode Island Bar Association trainings.

This year, Criminal Division prosecutors also partnered with the United States State Department to provide unique expertise to Ukraine in an effort to support and foster Ukraine's pursuit of reform and rule of law. The U.S. Department of State and the National Association of Attorneys General dispatched Assistant Attorneys General Maureen Keough and James Baum from the Rhode Island Office of the Attorney General to the nation to train the newly-established anticorruption-focused Inspector General unit within the Ukrainian Prosecutor General's Office. The training marked a new step in U.S. support for developing Ukraine's law enforcement and judicial sectors.

The Criminal Division presented a prosecutorial training seminar in 2015 for prosecutors, forensic scientists, and investigators from the Mexican states of Morelos and Hidalgo, ensuring Mexico continues its transition to an adversarial justice system. Throughout the week-long training, prosecutors from the Office of Attorney General and others covered topics including prosecutorial ethics, securing the crime scene, investigative strategies, preparing a case for trial, direct and cross examining expert witnesses, and trial and witness preparation. In addition, participants observed proceedings in Providence Superior Court and visited the Office of the Medical Examiner, where they met with forensic scientists from the Department of Health and a ballistics expert from the Rhode Island State Crime Laboratory. Several police departments joined the Office and participated in the training including the Central Falls Police Department, the Pawtucket Police Department, and the Rhode Island State Police.

In-house training was conducted for continuing legal education credits offered by seasoned prosecutors and outside agencies including The Prosecution of the Juvenile Offender; Responsibilities Regarding Lawyers' Conduct - The Management of Internal & External Resources In Government Law Practice; Social Media: Legal, Ethical & Constitutional Considerations for Government Attorneys; Persuasive Writings for Busy Lawyers; The Process of Grand Jury; Cross Examination; ISP Subpoena Procedures; RI & US Supreme Court Criminal Law Update; Change of DUI Statutes & Interlock; and A View From The

Bench, which was presented by the Rhode Island Bar Association and attended by over forty Division prosecutors.

Division support staff members were offered opportunities to attend trainings toward the State's incentive credits through the Office of Training and Development programs. Support staff participated in training courses in Microsoft Publishing, Trial Technology, and Psychology in the Workplace, which was a course focused on enabling staff to understand organizational behaviors and concepts in dealing with complex situations with coworkers and to address challenges that arise in the workspace. Three paralegals attended training through The Institute for Paralegal Education, a two-day program offering informative training and practical advice from experienced professionals working in the field. All Division paralegals participated in a day-long training workshop focusing on discovery practices and policies, as well as other day-to-day issues criminal paralegals face in the office.

### ***Adult Diversion Unit***

The Adult Diversion Unit was established in 1976 as an alternative to prosecution for first-time nonviolent felony offenders. It enables qualifying offenders to accept responsibility and be held accountable for their actions while avoiding the stigma of a criminal record. The program offers the opportunity for the offender to earn the dismissal of criminal charge(s) by participating in drug treatment and mental health programs, providing community service at nonprofit agencies, and paying restitution to the victims of these crimes.

In 2015, the Unit handled 500 referrals, accepted 191 cases, and completed 172 cases. A significant accomplishment last year included \$87,161 in restitution ordered to be distributed to victims. The Adult Diversion Unit arranged 2,205 hours of community service at statewide non-profit agencies for a total value of more than \$19,845, and also arranged 158 counseling programs for participants with substance abuse problems, mental health issues, and gambling addiction.

According to a recidivism report, 93 percent of the individuals who successfully complete the Adult Diversion program go on to lead arrest-free lifestyles, confirming the necessity of the program and the impact it has on first-time felony offenders by the development or participant-specific programs geared toward the root cause of the offense, thereby avoiding recidivism on the part of the participant.

The Adult Diversion program is participant-specific, and may also address educational needs on behalf of the participant. Depending on a participant's need, they are referred to community agencies who can offer specific services at little or no cost, giving them the tools they need to succeed.

### ***Adult Drug Court***

The Office of Attorney General participates in the Rhode Island Superior Court's Adult Drug Court Program (Drug Court). A prosecutor from the Narcotics and Organized Crime Unit is assigned to the Drug Court.

The Drug Court uses a team approach by combining professionals in the criminal justice system with the knowledge of the substance abuse treatment community to establish a closely monitored, individualized treatment plan for a nonviolent defendant struggling with addiction. The Drug Court holds the individual responsible for his/her past actions and accountable for future decisions. Since its inception, the Drug Court has been able to provide a mechanism for non-violent felony offenders who suffer from addiction to seek the appropriate level of substance abuse counseling and ultimately adapt to a sober and healthy lifestyle.

The goal of the Drug Court is to integrate substance abuse treatment with the criminal justice system and divert nonviolent defendants from the traditional criminal court process to a forum where a therapeutic program is offered to assist the individual to modify behavior, improve their quality of life, and reduce recidivism. Combining substance abuse treatment and other support services with close supervision by the Court holds the defendant accountable and gives them an honest chance to succeed.

Once a defendant is referred to the Drug Court, an assessment is conducted; the defendant is referred to a substance abuse treatment provider, who develops an individual treatment plan. The Drug Court is in constant contact with the treatment provider throughout the defendant's participation in the Drug Court to ensure they are staying on course with the treatment plan. During the course of treatment and involvement with the Court, participants are subject to random weekly drug screens and are closely monitored through case reviews. If all requirements and expectations are met after 12 months of review, participants are provided the opportunity to have charges dismissed and corresponding court records sealed and expunged.

In 2015, the Drug Court saw 114 admissions, 78 graduates, and 21 terminations. The Drug Court had 168 participants as of the end of the calendar year, representing a significant increase in previous years due to an increase in grant funding for the program.

### ***Appellate Unit***

The Appellate Unit is charged with representing the State in all criminal matters before the Rhode Island Supreme Court, defending the State on post-conviction relief actions in state courts as well as habeas corpus actions in federal court, and assisting prosecutors with legal research and analysis on a broad array of issues. In carrying out these responsibilities, the members of the Unit work with great diligence and passion to persuade members of the Rhode Island Supreme Court and the members of the federal judiciary of the correctness of the State's causes. The Unit's attorneys work equally hard in assisting trial prosecutors with legal issues as they arise during the course of pre-trial and trial litigation, and assisting other attorneys in research and analysis on a variety of questions of concern.

In 2015, the Unit filed with the Rhode Island Supreme Court 34 pre-briefing statements, of which 18 were with respect to a criminal judgment of conviction; four were with respect to a Superior Court adjudication of a probation violation; eight were with respect to an action

in the Superior Court for post-conviction relief; and four were appeals from Superior Court sentencing or other miscellaneous Superior Court action. The Unit further submitted to the Rhode Island Supreme Court 16 full briefs, 14 in appeal from a judgment of conviction and two in appeal from more discrete Superior Court-challenged determinations.

The Unit additionally filed 120 responsive memoranda with the Rhode Island Supreme Court, usually involving defendants' request for habeas corpus relief or for the granting of a petition for writ of certiorari. As well, the Unit litigated in the federal district court for the District of Rhode Island 12 federal habeas corpus actions, actions challenging the federal constitutional lawfulness of a criminal defendant's Rhode Island judgment of conviction, and litigated one such federal habeas corpus action in the United States Court of Appeals for the First Circuit.

In 2015, the Appellate Unit handled 37 post-conviction relief actions in the Superior Court, of which 33 were disposed of in the Superior Court. The most high-profile of all post-conviction relief challenges was *State v. Raymond D. Tempest*, in which the State defended, in Superior Court, against a concerted effort by Mr. Tempest's counsel to undo his April 1992 conviction for the brutal February 19, 1982 murder of Doreen Picard. While the post-conviction relief hearing justice, after a months-long evidentiary hearing, did grant the petition with respect to several of the 18 alleged issues, the State appealed the Superior Court determination to the Rhode Island Supreme Court.

The Appellate Unit was very effective in its advocacy this past year with an overall success rate before the Rhode Island Supreme Court above 95 percent. The Rhode Island Supreme Court affirmed 27 of the 28 criminal defendant-challenged Superior Court judgments, representing 96 percent success rate. In addition, not one of the judgments of conviction challenged in federal court was successful.

### ***Child Abuse Unit***

The Child Abuse Unit (CAU) was established in December 2011 with the primary responsibility to prosecute sexual and physical abuse cases committed against our most vulnerable population - children. Specifically, this Unit oversees the investigation and prosecution of all Providence County first and second degree child molestation cases, first and second degree child abuse cases, and consults on all County child abuse and child molestation cases.

The overall goals of the CAU are for specially trained and experienced prosecutors to handle cases from investigation through arrest and final prosecution in child sexual abuse and serious physical abuse cases, to minimize the time cases move through the criminal justice system, and to minimize the difficulty for a child involved in the criminal justice process.

The CAU uses a multidisciplinary approach to prosecuting child physical and sexual abuse cases. This includes working closely with Day One, the Child Protection Program (CPP) at Hasbro Children's Hospital, the Rhode Island Department of Children, Youth and Families (DCYF), and state and local police departments.

To this end, at least one member of the CAU attends weekly meetings at the CPP at which the team of doctors, social workers from DCYF, local police departments, and prosecutors discuss new cases and follow up on old cases to ensure child safety, and if applicable, make sure the perpetrators of those crimes are held accountable. The cases discussed at these meetings are not only those which lead to criminal prosecution, but also those in which the children may need counseling and/or DCYF intervention to ensure their safety and well being.

One of the major responsibilities of the CAU is to represent the Office of Attorney General in upholding Sex Offender Board of Review decisions regarding the leveling of registered sex offenders living in the State of Rhode Island. Most of these offenders are convicted child molesters who are appealing their Level Two or Level Three risk assessments made by the Board. Once an appeal is filed by an offender, a prosecutor from the CAU files a motion to affirm the Board's decision with the Rhode Island Superior Court. Last year, 27 new appeals were filed. Of the 23 appeals that were decided this year, 22 level decisions were affirmed. There are 20 appeals still pending from previous years.

#### ***District Court Unit (Providence County)***

The District Court Unit in Providence County prosecutes a multitude of criminal matters brought forward in the 6<sup>th</sup> Division District Court and the Rhode Island Traffic Tribunal. Each day, District Court Unit prosecutors are responsible for conducting bail hearings on capital cases and enumerated drug delivery offenses, hearings to which any defendant who is held without bail is entitled (according to the Rhode Island General Laws and Article 1 Section 9 of the Rhode Island Constitution).

The District Court Unit prosecutes pretrial and trial matters brought by various state law enforcement agencies throughout Rhode Island, primarily the Rhode Island State Police. In addition, Unit prosecutors handle all criminal cases referred by the state Contractors' Registration and Licensing Board (CRLB), the Department of Environmental Management, and the Department of Labor and Training.

Unit prosecutors also regularly handle cases against defendants accused of violating the terms and conditions of either their bail on an existing case or of a pending sentence of probation or suspended time. Additionally, Unit prosecutors handle motions to expunge, motions to reduce and/or modify bail and bail conditions, motions to vacate no-contact orders, applications for post-conviction relief, and waivers of information for certain felony offenses on a daily basis.

The Department of Attorney General has exclusive authority to prosecute every charge of breathalyzer refusal brought under R.I.G.L. §31-27-2.1. Such cases are tried before the Rhode Island Traffic Tribunal.

In 2015, the Providence County District County Unit attorneys handled a total of 3,200 matters before the 6<sup>th</sup> Division District Court in Providence and the Rhode Island Traffic Tribunal.

Specifically, the Unit handled 265 bail hearings, 760 probation and bail violation hearings, 522 stand-alone misdemeanor prosecutions, 146 fugitives from justice complaints, 23 competency evaluation hearings, seven cases referred from the Contractors' Registration and Licensing Board, and three post-conviction remedy applications. In addition, the Unit handled a total of 1,462 cases before the Rhode Island Traffic Tribunal including 951 plea dispositions and 25 trials, with 486 matters dismissed as a result of plea bargains or other causes.

### ***Domestic Violence and Sexual Assault Unit***

In 2015, the Domestic Violence/Sexual Assault Unit (DV/SA) continued its efforts to address crimes of violence committed among family and household members throughout the State of Rhode Island. In addition, the DV/SA Unit handles prosecution of all human trafficking cases. The DV/SA Unit works to achieve its primary goals of ensuring victim safety and offender accountability. In addition to handling felony trials and misdemeanor appeals in Superior Court, DV/SA Unit prosecutors handle bail hearings, violation hearings, and motions to reduce or set bail. Unit prosecutors also regularly argue against victims' motions to vacate no-contact orders against offenders.

DV/SA Unit prosecutors also coordinate, along with participating police departments and the Sexual Assault and Trauma Resource Center, the interviews of adult women and men who are victims of sexual assault. Additionally, they conduct training sessions for law enforcement officers at local police departments and police academies, as well as for city and town solicitors statewide to focus on proving cases without the participation of reluctant victims, thereby lowering the number of domestic violence cases dismissed at the District Court level.

Last year, prosecutors from the DV/SA Unit led trainings before the Rhode Island Municipal Police Academy, touching on all matters of domestic violence ranging from sexual assault and strangulation to sex trafficking and evidence collection in cases where there is a reluctant victim.

Unit attorneys also participate in training of emergency room personnel at local hospitals on how to interview victims and how to properly collect evidence from victims of domestic violence and sexual assault. Other trainings included sexual assault training for U.S. Army and Air National Guard victim advocates, as well as a presentation on domestic violence to the Roger Williams University School of Law Family Law Society.

Prosecutors and victim advocates from the DV/SA Unit participated in multiple trainings on human trafficking and other crimes against women. In addition, prosecutors from the Unit serve on a number of boards and committees, including the RI Bar Association's Criminal Law Bench/Bar Committee, the Violence Against Women Act Advisory Committee, the Sex Trafficking Task Force, the Law Enforcement Task Force, and the Batterers Intervention Program Standards Committee.



Working closely with police departments assisting in the investigation of domestic murders, sexual assault, and felony assault cases, the DV/SA Unit will visit the scene of the crime to help preserve certain evidence that may be crucial to the successful prosecution of the perpetrators.

Prosecutors in the DV/SA Unit work closely with the Courts in an effort to make the Domestic Violence Court a success and improve the process for victims by making domestic violence prosecutions a priority, ensuring that these cases get handled efficiently.

With the increase in human trafficking cases, prosecutors in the DV/SA Unit have dedicated resources to training in how to work with victims of this egregious crime and how to successfully bring a case to prosecution against individuals who enslave others for commercial sex purposes. Unit prosecutors are cross-designated with the United States Attorney's Office to conduct joint investigations and prosecutions of these crimes. In addition, the Office assisted in the development of protocols on sex trafficking to assist fellow prosecutors, police, medical personnel, and counselors in the proper handling of these sensitive cases and to ensure victims of sex trafficking get the resources they need to recover from the trauma.

Also in 2015, the Office of Attorney General joined the United States Attorney's Office, the RI State Police, and the RI Airport Police in hosting a seminar on human trafficking for law enforcement, social service agencies, and hospital personnel to stress the importance of information gathering and close working relationships between all levels of law enforcement and victims' advocates to bring about positive resolution to human trafficking cases.

Last year, the DV/SA Unit prosecuted more than 500 cases, 12 of which went to trial. These cases included a range of domestic violence and sexual assault charges including murder, first and second degree sexual assault, felony assault, and human trafficking.

### ***Elder Abuse Unit***

The Office of Elder Justice Advocate, also known as the Elder Abuse Unit, is responsible for investigative management and prosecution of crimes involving elderly victims of abuse, neglect, and financial exploitation.

The Unit was created several years ago in recognition of the fact that the proportion of Rhode Island's population that is sixty years of age and older is dramatically increasing and will continue to do so in the coming years. Coupled with the fact that this age group is the State's fastest growing demographic is that crimes against senior citizens often go unreported, presenting high temptation and low risk factors to potential offenders. The special needs often presented by elder victims and the fact that elder abuse, neglect, and exploitation crosses all racial, socio-economic, gender, and geographic lines made the need for a special unit apparent.

The Unit continued to work with and advise law enforcement agencies across the State in elder abuse investigations, leading to more than 100 felony criminal cases being opened in

the Rhode Island Superior Court last year in addition to more than 300 investigations and complaints handled by the Elder Abuse Unit. Last year, 99 cases were disposed of, resulting in jail time for many defendants, as well as court-ordered restitution of approximately \$368,000 for senior victims.

The Elder Abuse Unit continued its commitment to train law enforcement and personnel who work closely with the elderly. Training of those who work with the elderly is vital, as they are in a unique position to observe signs of elder abuse which may be occurring in the home, out of the public view. Elder abuse trainings were presented to the RI Municipal Police Academy, the National College of Probate Judges, the VNA of Newport and Bristol Counties, and the Child and Family Services Elder Services Program, among others.

The Elder Abuse Unit also participates in the Citizens Commission for the Safety and Care of the Elderly.

### ***Intake Unit (Providence County)***

The Providence County Intake Unit is responsible for screening and processing all felony cases to make the determination whether a case should be prosecuted in Superior Court, and if so on what charges. The responsibilities of the Unit include review of cases for information charging, the presentation of cases to the Grand Jury, the litigation of cases at the pre-arraignment stage, and other ancillary matters.

In 2015, the Unit reviewed 3,592 cases for information charging, filing charges in Superior Court in 2,946 of the cases. The Unit determined that in 457 of those cases there was insufficient evidence to proceed with charges in Superior Court, 186 defendants were referred to the Diversion program, and three cases were referred to the Grand Jury.

In addition, the Unit reviewed 290 cases for consideration of presentment to the Grand Jury. Of those, the Grand Jury returned 173 true bills and two no true bills. In 46 cases, the Unit declined to present the case to the Grand Jury, 19 cases were referred to felony screening for information charging, and 50 defendants waived the right to have the case presented to a Grand Jury and pleaded out to charges.

### ***Juvenile Prosecution Unit***

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses which would be punishable as felonies if committed by an adult. In addition, the Unit also prosecutes all juveniles who are charged with misdemeanors by the Rhode Island State Police, State Fire Marshall, and the Department of Environmental Management. The Unit is also responsible for the prosecution of all juveniles who are charged with violations of probation.

This past year proved to be another busy year for the Juvenile Prosecution Unit. The Unit received 1,278 new petitions charging juveniles with criminal offenses. This represents 611 new delinquency or felony charges, and 64 wayward or misdemeanor charges, as well as 603 violations of probation and court orders. During 2015, the Unit prosecuted 694 new juvenile offenders. A new juvenile offender is a juvenile not previously prosecuted by the

Unit. This number does not include juveniles that the Unit prosecuted in past years or juveniles who re-offend during the current year.

The Unit also handles the prosecution of adults who commit child neglect. In 2015, the Unit charged 15 child neglect cases with 20 cases pending before the Court.

Rhode Island General Law allows the Office of Attorney General to seek to waive a juvenile out of the Family Court system to be tried as an adult in Superior Court. In 2015, the Juvenile Unit filed one mandatory waiver motions and 19 discretionary waiver motions. Of those motions, three discretionary waiver motions were amended to certifications where the juvenile pleaded to an adult sentence, five juveniles voluntarily waived their cases to Superior Court, three were waived by the Judge after a hearing, and one motion to waive was denied by the Court. There are seven waiver motions currently pending before the Court.

In 2015, the Unit prosecuted 36 juveniles for school violence cases, not including the wayward offenses handled by municipalities. The range of offenses that occurred on school property included assault, breaking and entering, drug offenses, possession of weapons, and bomb threats.

Last year, the Unit prosecuted 63 juveniles in Family Court for firearm cases. These included 22 BB guns, one shotgun, and 41 firearms, which included handguns/pistols.

The Unit participates in the Juvenile Drug Court, which aggressively addresses substance abuse and associative behaviors, which if not addressed could lead to further contact with the courts. Last year, 65 juveniles were admitted to the Juvenile Drug Court. Of those, 51 were admitted to the Drug Court Diversion Program and 14 were admitted to the Post Adjudication track of the program, which is designed to address more serious charges and issues of recidivism. Last year, 44 juveniles successfully graduated from the program while 26 were terminated or discharged for violating the rules of the program.

The Juvenile Prosecution Unit is also responsible for covering cases heard in the Re-Entry Court, which is a specialized court that monitors and reviews juveniles recently released from the Rhode Island Training School.

Prosecutors also conduct emergency arraignments, wherein a juvenile has been detained overnight at the Rhode Island Training School with the approval of a Family Court Judge. There were 206 emergency arraignments in 2015.

Since the program was implemented in 2012, electronic monitoring of juveniles has become a detention alternative in Rhode Island. According to the Department of Children, Youth and Family, 236 juveniles were placed on electronic monitoring or home confinement in 2015.

The Unit continues to be actively involved in the Juvenile Detention Alternative Initiative Project. The initiative works towards reducing reliance on secure confinement without

sacrificing public safety. One of the goals is to shift spending from detention to community-based detention alternatives.

In addition to prosecuting cases, members of the Juvenile Unit work within the community to educate students and the public about juvenile laws and prosecution of juveniles. The staff also serves on several committees and task forces pertaining to juvenile and child abuse cases, including the Rhode Island Sex Offender Registration and Notification Task Force, the Rhode Island Council for Interstate Compact for Juveniles, Hasbro Children's Hospital Child Protection Program, the Child Advocacy Center at Day One, and the SOLEMN Task Force, among several others.

In addition to the prosecutors, paralegals and support staff, the Juvenile Unit is assigned a victim witness assistant responsible for corresponding with juvenile clients who have been the victim of juvenile offenders, as well as victims of adult offenders charged with child neglect. This staff member also assists prosecutors with interviews of juvenile victims and witnesses, attends Family Court hearings, and coordinates with the Rhode Island Juvenile Probation Office on issues of victim restitution. In addition, this staff member serves as part of the child advocacy team attending bi-weekly meetings at Day One, where cases of molestation and sexual assault are reviewed for potential criminal prosecution.

In response to a request by a local high school to speak to students on the issue of sexting and cyber bullying, the Office of Attorney General created a frank and honest presentation on the legal and social consequences of "sexting," sharing intimate photos or videos via social media and cell phones, and cyber bullying. Given by young prosecutors from the Juvenile Prosecution Unit, the presentation gives young people real life scenarios of what can happen if they send or distribute intimate photos. The prosecutors also discuss the social and emotional costs of such actions.

### ***Kent County Office***

The Kent County Office is located within the Philip Noel Judicial Complex in Warwick. The second-largest office in terms of size and staffing, the Kent County Office is comprised of seven attorneys, seven support staff, and a victim witness liaison.

The scope of the duties of the Kent County Office include, but are not limited to, all bail violation hearings, probation violation hearings, pre-trial conferences, various pre-trial motions, and ultimately trial for all felony matters brought before the Court, as well as misdemeanor prosecutions charged by the Rhode Island State Police, the Rhode Island Department of Environmental Management, and other state agencies.

In 2015, the Kent County Office disposed of 878 felony cases, of which 89.9 percent were disposed of by way of plea agreement or trial. In the past year, prosecutors tried 19 cases in Kent County superior Court, including 15 jury trials. Only 82 cases, or 9.3 percent, were dismissed by the Court on legal grounds. In addition, the Kent County Office handled 719 probation violators, as well as a myriad of miscellaneous matters, including grand jury presentations, post-conviction relief applications, motions for expungement, and miscellaneous petitions that are scheduled on the daily criminal calendar.

Prior to a case being charged and adjudicated in Superior Court, it must first be screened by the Intake Unit. Last year, of the more than 1,000 cases were referred for felony screening, of which 803 cases were reported out to the Superior Court. Of those, 24 were indictments, 64 misdemeanor appeals, and 123 waivers of information.

In addition to these matters in Superior Court, the Kent County Office also handles all matters in the 3<sup>rd</sup> Division District Court in which State law enforcement agencies bring forth charges, as well as all probation violation and bail hearings that come before that court. In 2015, Kent County prosecutors disposed of 1,084 misdemeanor cases and handled approximately 717 probation and/or bail violations.

The Kent County Court also houses the Alternatives to Sentencing and Trauma Recovery in Rhode Island and the Kent County Adult Drug Court.

The Alternative to Sentencing and Trauma Recovery in Rhode Island – Focus on Veterans is a jail diversion program that was piloted in the Kent County District Court. Commonly referred to as the “Veterans Court,” the program is designed to direct defendants who have experienced military trauma resulting in related disorders into a court program which integrates a support and treatment plan into the judicial process.

Veterans Court provides treatment options that result in potential jail diversion, possible reduction of charges, or other alternatives in sentencing. It is designed to divert veterans whose military-related trauma has led them to troubles with law away from incarceration and, where appropriate, into rehabilitative alternatives.

During the calendar year, more than 109 referrals were made to the program, with approximately 69 cases accepted. Last year also saw 65 cases successfully completed with the remaining cases active in the program.

The Kent County Adult Drug Court uses a team approach by combining professionals in the criminal justice system with the knowledge of the substance abuse treatment community to establish a closely monitored, individualized treatment plan for a nonviolent defendant struggling with addiction. The Drug Court holds the individual responsible for his/her past actions and accountable for future decisions. Since its inception, the Drug Court has been able to provide a mechanism for non-violent felony offenders that suffer from addiction to seek the appropriate level of substance abuse counseling and ultimately adapt to a sober and healthy lifestyle.

In 2015, the Kent County Adult Drug Court saw 114 admissions, 78 graduates, and 21 terminations. The Drug Court had 168 participants as of the end of the calendar year, representing a significant increase in previous years due to an increase in grant funding for the program.

### ***Medicaid Fraud & Patient Abuse Unit***

The Medicaid Fraud Control and Patient Abuse Unit (MFCU) enforces the laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect, or mistreatment of patients in all state healthcare facilities. The Unit prosecutes criminal activity, pursues civil remedies where appropriate, and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. Unit prosecutors, auditors, investigators, and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse.

In 2015, the Unit recovered \$8,574 in restitution from medical assistance fraud investigations and prosecutions. In addition, the Unit signed global qui tam settlement agreements with pharmaceutical and medical device companies totaling approximately \$424,488 in recoveries to the Rhode Island's Medicaid program, and collected payments on civil settlements with Medicaid providers totaling \$408,464. In total, the Unit recovered \$603,330 for the State's Medicaid budget for the 2015 calendar year.

While the MFCU is the one unit within the Office that does have investigative powers, it relies heavily on other state agencies, law enforcement, and providers – those who have direct and daily contact with individuals and businesses who benefit from the Medicaid program – to forward possible instances of Medicaid fraud and patient abuse for the Unit to investigate.

The Unit continues to focus on home health care fraud. Recognizing this area to be a major source of abuse nationwide, the Unit has taken steps to stem the tide of fraud in Rhode Island. The Unit conducts several trainings for fiscal intermediary agencies involved in administering personal care attendant services and works with the Executive Office of Health and Human Services as to how to detect fraud.

Patient abuse and neglect are also a major focus of the MFCU investigations. The Office continues its efforts to find ways to make the reporting of such incidents easier and familiar with those people in the position of enduring or witnessing such unfortunate occurrences.

Last year, the MFCU was the subject of an “on-site review” by the United States Department of Health and Human Services Office of Evaluation and Inspection. The Unit was scrutinized for several days by Department of Justice employees looking at compliance with federal law and procedures in the operation of the Unit, as well as all aspects of regulatory requirements. The Office of Evaluation and Inspection found no significant deficiencies with the MFCU Unit.

### ***Narcotics & Organized Crime Unit***

In 2015, the Narcotics and Organized Crime Unit (NOCU) continued in its three primary areas of responsibility: to investigate, manage, and prosecute all criminal cases involving narcotics, traditional organized crime, and criminal street gangs, as well as handling all aspects of asset forfeiture and representing the State of Rhode Island in the Providence County Adult Drug Court.

In the area of narcotics prosecution, the members of the Unit are responsible for representing the State in a variety of court proceedings, including trials, pre-trial conferences, violation hearings, and bail hearings. Unit prosecutors also are responsible for drafting and editing documents related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement on investigating narcotics-related activity, and presenting narcotics-related investigations to county and statewide grand juries.

In addition to prosecuting all organized crime-related cases before trial juries, the Unit works closely with the police in providing document support and case management on electronic surveillance cases and developing cooperating witnesses and confidential informants.

Due to the close relationship between the prosecution of narcotics-related offenses and the use of firearms, the Unit is responsible for prosecuting most of the cases on the Providence Superior Court's Gun Calendar. Additionally, a member of the Unit is responsible for the coordination of firearms prosecution between state and federal authorities, communicating on a daily basis with the U.S. Attorney's Office to review all firearms cases and to determine which jurisdiction is most appropriate to bring charges. In 2015, the Gun Calendar charged 202 firearms-related offenses while disposing of 212 firearms-related cases.

Due to the high volume of cases assigned to NOCU, it is not surprising that it is a frequent occurrence for prosecutors assigned to the Unit to be reached for trial in Superior Court, participating in the case from its initiation through to verdict. In fact, each prosecutor assigned to NOCU successfully prosecuted a matter before a Superior Court jury in 2015. In addition, it is not uncommon for NOCU prosecutors to assist with matters outside of the Unit, including handling violation matters in Courtroom 9, Family Court cases, and District Court matters, such as bail violation hearings.

Three of the Unit's eight prosecutors are cross-designated as United States Attorneys by the United States Attorney General for Rhode Island. These prosecutors work closely with federal law enforcement in state/federal investigations and prosecutions.

NOCU continued to represent the State before the Providence Superior Court's Adult Drug Court, a special court that handles cases involving offenders who are addicted to drugs. The court seeks to help such offenders through an extensive supervision and treatment program.

NOCU is also responsible for processing all narcotics, gambling, and racketeering-related asset forfeitures. Proceeds from the sale of forfeited assets represent an important source of ongoing drug and crime suppression efforts of state and local police. In 2015, the Unit opened 362 new forfeiture cases and disposed of 235 cases. In total, the Unit seized \$1,570,321 in cash and property and processed \$1,178,727 in total cash and property forfeited.



Under Rhode Island General Law, assets obtained through illegal drug operations are forfeited and distributed among state and local police, the Office of Attorney General, and the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).

As prescribed by statute, 20 percent of seized proceeds shall be provided to the Office of Attorney General to be used for further drug-related investigations and prosecutions, 70 percent is divided among the state and local police departments proportionately based upon their contribution to the investigation, and 10 percent provided to BHDDH to support substance abuse treatment programs.

Last year, \$480,887 in “cash” was distributed to the Rhode Island State Police and local police departments, \$68,698 to BHDDH, and \$137,396 to the Office of Attorney General. Another \$373,562 worth of forfeited property was distributed to state and local law enforcement agencies for use or auction.

### ***Newport County Office***

Located in the historic Florence Murray Judicial Complex in downtown Newport, the Newport County Office is comprised of two prosecutors, one out-of-county screening prosecutor, two support staff, and one victim/witness liaison who splits time with the Washington County Office. The Office is responsible for all county-wide felony prosecutions from the following police departments: Newport, Jamestown, Portsmouth, Middletown, Tiverton, Little Compton, Rhode Island State Police-Portsmouth, and the Rhode Island Department of Environmental Management.

In 2015, the Newport County Office disposed of more than 327 criminal cases, of which nolo contendere pleas accounted for 275 of those dispositions. Four cases were disposed of by filing, and 44 cases were dismissed on legal grounds. Of the Superior Court cases disposed of last year, 38 were by waiver of criminal information. The Office also handled 174 violations of probation and bail, and 13 cases that were misdemeanor appeals from District Court.

Last year, 362 felony cases were submitted to the Newport County Office for information charging. Of those, and in addition to the cases carried over from 2014 that were pending at the start of the calendar year, 301 felony cases were charged by way of information charging, 64 cases were deemed “no informations,” 25 cases were remanded to District Court, 10 were referred to the Adult Diversion Unit, and 38 cases were resolved by waiver of criminal information.

The Newport County Office handled 445 substantive matters before District Court, including 259 violations of probation or bail, three bail hearings, 22 second-offense chemical refusal tests, and 12 fugitive from justice matters, and disposed of 54 misdemeanors charged by the Rhode Island State Police or the Rhode Island Department of Environmental Unit.

### ***Traffic Safety Resource Prosecutor***

Federally funded, the Traffic Safety Resource Prosecutor (TSRP) oversees the prosecution of all alcohol-related driving accidents, law enforcement training, and community outreach for motor vehicle safety issues, including underage drinking and texting while driving. The TSRP also assists the Rhode Island Department of Transportation (RIDOT) with highway safety public policy and education initiatives.

The TSRP is involved in all stages of the prosecution of motor vehicle crash cases, with the goal to have early involvement and provide assistance to law enforcement at the time of the crash. In this capacity, the Office of Attorney General provides a great resource for police departments in their initial decision-making process and in obtaining warrants for evidence in criminal cases. If the offense rises to the level of criminal negligence, the TSRP prosecutes the cases for the Office of Attorney General. In 2015, the TRSP reviewed more than 100 cases for the purposes of screening felony motor vehicle offenses, the majority of which resulted in criminal prosecution.

In addition, the TRSP will review any fatal crash at the request of law enforcement to determine whether the conduct of an operator rose to the level of criminal recklessness. Last year, the Office charged 98 individuals with serious motor vehicle crimes, including DUI Death Resulting, DUI Serious Bodily Injury, Leaving the Scene of an Accident with Death or Serious Bodily Injury, Driving to Endanger Death Resulting, DUI 3<sup>rd</sup> Offense within five years, and others. In addition, the Office disposed of 73 cases in which defendants were charged with serious motor vehicle offenses.

Last year, the TRSP presented 24 separate law enforcement trainings which approximately 600 officers attended. These trainings focused on impaired driving, search and seizure, and testifying in motor vehicle cases.

The Office of Attorney General partners with numerous agencies and commissions across the State that share the common objective of reducing motor vehicle fatalities. Last year, the Office participated in Operation Blue RIPTIDE, a statewide DUI Task Force consisting of police departments from every city and town in Rhode Island and the Rhode Island State Police, who combine resources to target DUIs during the busiest and most dangerous times of the year. The patrols produced a total of 55 arrests for DUI over the Thanksgiving weekend.

In addition, the Office took part in the Annual MADD Candlelight Vigil on December 31, 2015 to pay tribute to those who have lost their life or were seriously injured in drunk driving crashes.

The TRSP also actively participated in the Attorney General's "It Can Wait" distracted driving public awareness campaign. Since the program's launch in 2012, the Attorney General and partners have made more than 60 school visits to speak with young drivers on the deadly consequences of distracted driving.

The efforts to educate drivers on the dangers of distracted and drunk driving, to train law enforcement officials on proper procedures to investigate and build a strong case, and to prosecute those who commit serious driving offenses, resulted in being honored by MADD. Former TSRP and Assistant Attorney General Jay Sullivan received the Statewide Prosecutor of the Year Award and Victim Services Advocate Mickaela Driscoll received the Victim Services Award.

### ***Victim Services Unit***

The Victim Services Unit provides an array of services to felony crime victims and their families. Advocates are assigned to victims and their families to provide guidance and support through the criminal justice process – informing them of their rights, notifying them of the status of the offender’s case, providing personal assistance at court appearances, and helping them better understand and participate in the legal process. In addition, the Unit provides referrals to other victim-service provider agencies and support groups that can further assist victims with financial, legal, medical, and emotional problems resulting from the crime. Unit advocates also assist prosecutors with all victim-related matters.

In performing these services, the staff works closely with highly-traumatized victims and families in homicide, driving death, child molestation, sexual assault, human trafficking, and domestic violence cases as well as other felony cases – answering questions, overcoming fears, explaining court procedures, notifying victims of the status of the offender’s case, sharing concerns, addressing safety issues, assessing overall needs, and accompanying victims to court proceedings.

Advocates are assigned to assist victims and their families through the various stages of the criminal justice process – bail hearing, pre-arraignment/arraignment, violation hearing, grand jury, pretrial, trial, appellate, and post-conviction process. The Unit also collaborates with other agencies – RI Department of Probation and Parole, RI Parole Board, Superior Court Restitution Unit, and RI Department of Corrections Office of Victim Services – in an effort to provide a seamless transition for victims at the conclusion of the Superior Court process.

In order to facilitate the restitution process for victims, the Unit collaborated with the RI Department of Probation and the Superior Court Restitution Unit by providing victim contact information in approximately 400 cases last year. In addition, the Unit provided victim contact information to the Rhode Island Parole Board in order to facilitate notification of parole board hearings to victims in more than 246 cases.

Advocates are assigned to work with victims whose cases are handled by prosecutors in specialized units --Domestic Violence Sexual Assault and Child Abuse Units. An advocate is also assigned to work specifically on all homicide and gun court cases. The homicide advocate specializes in providing critical support to families of homicide victims. The advocate works closely with prosecutors to establish contact with family members of homicide victims within 24 hours to ensure that survivors receive critical services in the

wake of violent death. The homicide advocate is on call 24 hours as a liaison between victims' families, law enforcement, and prosecution.

The team provides services to Spanish-speaking victims in their native language with forms, brochures, and letters, and also provides outreach to area schools, senior centers, and community centers.

In 2015, the Victim Services Unit handled approximately 6,000 cases and generated more than 45,750 status notices to victims. In providing personal support, advocates accompanied victims to more than 2,500 court proceedings — including bail hearings, violation hearings, pretrial conferences, trials, Supreme Court arguments, and interviews with prosecutors. More than 3,000 referrals were made to other agencies for further assistance, and more than 3,000 email and telephone contacts were made on victim-related matters. Also, the Unit provided 120 letters of notification to victims relating to the Rhode Island Supreme Court appeal process and matters on for post-conviction relief.

In 2015, the Unit referred 3,700 victims to the RI Victim Assistance Portal (RI-VAP). RI-VAP is a secure web portal that serves victims of crime in Rhode Island (or approved guardians/significant others) with a broad range of information relevant to their offender's case. The information includes court events, incarceration status, and status of court-ordered restitution on misdemeanor cases. The Victim Services Team and RI Justice Assistance are the portal's administrators. Approximately 200 victims and advocates were registered and approved in 2015.

In the summer of 2015, the Unit provided instruction on "victim services in the criminal justice system" as part of the curriculum for the Rhode Island State Victim Assistance Academy. Throughout the year, team members also continued to receive specialized training on issues related to domestic violence, child molestation/sexual assault, elder abuse, human trafficking, victims with disabilities, and mainstreaming services to LGBTQ persons (lesbian, gay, bisexual, transgender, and questioning) in an effort to better serve Rhode Island's diverse victim populations.

### ***Washington County Office***

Located within the J. Howard McGrath Judicial Complex in Wakefield, the Washington County Office is comprised of three prosecutors, one out-of-county screening prosecutor, two support staff, and one victim/witness liaison who splits time with the Newport County Office. The Office is responsible for all countywide felony prosecutions from the following police departments: North Kingstown, South Kingstown, Narragansett, Charlestown, Richmond, Hopkinton, Westerly, New Shoreham, University of Rhode Island, the Department of Environmental Management, and Rhode Island State Police cases originating from the Wickford and Hope Valley Barracks.

2015 was a productive one in Washington County with 464 cases charged and 370 pending cases resulting in dispositions. In addition, the Office disposed of 581 cases in District Court. An essential element in the smooth and efficient operation of a county office is the

ability to effectively waive criminal informations, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2015, prosecutors were able to waive 60 cases from the District Court to dispositions in the Superior Court. Two cases went to trial, resulting in one guilty verdict and one plea deal while the State was presenting its case.

The Office continues to focus on efficiently moving all capital offenses and investigations through the grand jury. In 2015, nine cases were presented to the Washington County and Statewide Grand Juries resulting in nine true bills and one no true bill. Prosecutors were able to waive indictment obtain dispositions on two capital cases.

### ***White Collar Crime and Public Corruption Unit***

The White Collar Crime and Public Corruption Unit is charged with the responsibility of prosecuting any crime that can be committed with a pen, balance sheet, or computer instead of a mask, gun, or knife. In other words, the Unit targets crimes of sophistication, deception, and ingenuity rather than those of fear, violence, or intimidation. These crimes include public corruption, traditional financial crimes, and a variety of other criminal activities generally characterized as white collar crimes.

In areas of public corruption, the Unit prosecutes criminal misconduct by government officials and employees at the state and municipal levels, including theft, forgery, bribery, embezzlement, perjury, and official misconduct.

The Unit also prosecutes traditional financial crimes such as embezzlement, forgery, obtaining money under false pretenses, wrongful conversion, forgery, banking violations, extortion, criminal usury, perjury, and false swearing, in addition to crimes relating to mortgage and loan fraud. The Unit places heavy emphasis on those that have a significant impact on individual victims or on the public at large. Recognizing the extreme stress and financial upheaval suffered by victims of financial crime, one of the Unit's primary goals in these prosecutions is asset location and restitution recovery for victims.

In 2015, the Unit disposed of 128 cases that resulted in \$1,421,666 in court-ordered restitution to victims.

The White Collar Unit is assigned a prosecutor devoted exclusively to prosecuting fraud cases referred by the RI Department of Labor and Training involving unemployment-insurance fraud, workers' compensation fraud, prevailing wage violations, and labor standards violations. The prosecutor in this position is solely responsible for screening, charging, prosecuting, tracking, and reporting case results to the Rhode Island Department of Labor and Training and the Office of Attorney General.

During 2015, the Office of Attorney General charged 30 individuals with unemployment insurance benefit fraud and disposed of 12 cases, which resulted in \$212,265 in court-ordered restitution to the State.

In addition, the Office resolved five workers' compensation fraud cases, resulting in \$29,661 in court-ordered restitution. Additionally, during 2015, the Office charged one individual with failure to pay more than \$18,000 in wages to four employees. The defendant failed to appear before the Court and a warrant was issued for his arrest.

The proliferation of the Internet, smartphones, and social media has given rise to an array of computer-facilitated crimes, requiring the Unit to become deeply involved with high tech methods of identifying and prosecuting such crime. Consequently, the Unit has seen a significant increase in crimes committed through the use of computers and the Internet, especially child pornography and online sex crimes against children. The Unit works closely with law enforcement agencies specializing in computer crime, including the Rhode Island Internet Crimes Against Children Taskforce. In 2015, the Office statewide charged 119 individuals with child pornography and disposed of 72 cases with 47 carried over to 2016.

## **Appendix of Significant Civil and Criminal Cases**

### **Civil Division**

By law, the Attorney General represents the State, its agencies, and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees, and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people. In 2015, the Civil Division opened 1,333 new matters and closed 1,772 files. Below are cases of significance.

### ***Civil Litigation***

#### **Cassie M. et al. v. Raimondo, et al. (formerly Sam and Tony M. et al. v. Carcieri, et al. )**

In 2007, the New York-based Children's Rights Incorporated (CRI) and then-Rhode Island Child Advocate Jametta Alston filed this lawsuit as a putative class action brought on behalf of all children in the care of the Department of Children Youth and Families (DCYF) because of abuse or neglect. They alleged constitutional and statutory claims under the Adoption Assistance and Child Welfare Act of 1980. CRI sought both federal court supervision and monitoring of DCYF and attorney's fees. The State initially moved to dismiss the suit on several legal grounds. The District Court granted an initial motion to dismiss by the State; however, the First Circuit Court of Appeals reversed the decision and remanded the case. On remand, the parties engaged in extensive and voluminous discovery of DCYF's foster care system and the experiences of the individual named plaintiffs. Trial on the claims of the individual named plaintiffs began on November 12, 2013. CRI presented five witnesses in a document-driven case over sixteen trial days. On January 9, 2014, the State moved for judgment on the record on all claims at the close of plaintiffs. The District Court granted the State's motion and judgment was entered in the case of Cassie M. v. Chafee, 16 F.Supp.3d 33 (D.R.I. 2014). CRI appealed the judgment to the First Circuit on five different issues. On April 21, 2015, the First Circuit vacated the judgment and returned the case for further proceeding. The parties are currently engaged in fact discovery. CRI filed a Fourth Amended Complaint on October 23, 2015 and the parties are working toward addressing CRI's motion for class certification.

#### **Roy v. State**

During 2015, the State defended the jury verdict it obtained after a six-week trial in this personal injury case in 2010. Plaintiff Brett Roy sought over \$40,000,000 after he was paralyzed in a diving accident in World War II Park in Woonsocket. The State defended the case and obtained a jury verdict in the Superior Court. In 2013 a Superior Court judge granted a new trial in the matter. That decision has been appealed to the Rhode Island Supreme Court. It has been fully briefed and is awaiting oral argument.



### **John Freitas, et al. v. Peter Kilmartin and A.T. Wall II**

Plaintiffs, all Level III sex offenders, have brought suit against Peter Kilmartin in his official capacity as the Attorney General of the State of Rhode Island and Ashbel T. Wall II in his official capacity as the Director of the Department of Corrections of the State of Rhode Island in the Federal District Court for the District of Rhode Island. In the 2015 legislative session, the Rhode Island General Assembly amended R.I. Gen. Laws § 11-37.1-10. Previously, that section mandated that Level II and III sex offenders were prohibited from residing within three hundred feet of “any school, public or private.” In 2015 that prohibition was refined, leaving the Level II offenders subject to the 300 foot buffer, but increasing the buffer for Level III sex offenders to 1000 feet. Violation of the new provision mirrored that of the existing one—it is a felony. The verified complaint alleges that the named plaintiffs are tier three sex offenders whose constitutional rights have been infringed by the passage of § 11-37.1-10(d) and its application as to them. The plaintiffs’ complaint requests solely injunctive and declaratory relief; namely a declaration that § 11-37.1-10(d) is unconstitutional. Pending is a motion to certify this case as a class action. A temporary restraining order was entered restraining the State from enforcing § 11-37.1-10(d), which will remain in effect until a trial at the end of March 2016.

### **Narragansett Indian Tribe v. State**

The State is currently defending a challenge by the Narragansett Indian Tribe to the 2012 legislation adding table games to Twin River, and to the general operation of Twin River and Newport Grand.

### **United States of America v. State of Rhode Island, RI Department of Corrections**

In February of 2014, the United States Department of Justice (DOJ) filed suit in the United States District Court for the District of Rhode Island against the State of Rhode Island and the Rhode Island Department of Corrections (State) alleging violations of Title VII of the Civil Rights Act of 1964. Specifically, DOJ alleged unintentional disparate impact for African-American and Hispanic applicants taking entrance-level correctional officer examinations during the time period of 2000 to 2013. The DOJ’s complaint seeks to enjoin the State from using these examinations as part of its selection process and “make whole” relief for those who failed the exams, including priority hiring and back pay. The DOJ notified the State of its decision to file this suit in November of 2013 just after the examinations were given to a prospective class of applicants. The 2013 selection process that was suspended upon the filing of the lawsuit will be resumed in February of 2016. The State, however, disputes the allegations. The State initially moved to dismiss the Complaint based on the DOJ’s failure to comply with the requirements and procedures of Title VII, and on statute of limitations grounds. The District Court denied the State’s motion in January of 2015, but recognized that the State may raise the defense of laches. This case is now in discovery that is to be completed by July 2016 with dispositive motions due thereafter.

### **AFSCME Council 94 Retiree Chapter and R.I. AFT/R Local 8037 v. State of Rhode Island, Governor Raimondo, Director DiBiase and Treasurer Magaziner,**

Plaintiffs AFSCME Council 94 Retiree Chapter and R.I. AFT/R Local 8037 have brought suit against the Governor, Department of Administration Director, and the General Treasurer concerning retiree health insurance benefits. The complaint alleges that the plaintiffs’

members, who are retirees from State service, have the right to contribution-free retiree health insurance and that the General Assembly's 2013 amendment to R.I. Gen. Laws § 36-12-1 and § 36-12-4 and the 2013 enactment of R.I. Gen. Laws § 36-12-4.1 occasioned a breach of contract and violated their rights under the Constitution of Rhode Island. By means of those laws, the administration of retiree health benefits was moved into a private insurance exchange, and the costs of individual retirees' health insurance benefits is now paid by means of a subsidy directly to the retiree, who can select their plan from a number of options on the exchange. Plaintiffs claim that some retiree members -- those who are Medicare-eligible -- are entitled to fully-paid insurance, that the subsidy provided by the State does not match the cost of the plan they have selected, and that, as a result, they are not receiving full-paid benefits to which they claim to be entitled under certain CBAs. The defendants assert that the statutory amendment is constitutional, lawful, and proper. The defendants have answered the plaintiffs' complaint, and the case is now in the discovery phase.

### ***Consumer Protection Cases***

#### **State v. Montgomery & Burns, LLC and Francesco Jaramillo, individually**

The State entered a stipulation with defendant Jaramillo requiring him to make restitution to two consumers for violating the Deceptive Trade Practices Act by improperly retaining deposits on the purchase of real estate and for work one of the consumers had done on residential property owned by the defendant. The stipulation was entered as an order of the Superior Court. One consumer received \$20,000 and the other consumer is owed his deposit of \$20,000 and, in addition, a maximum of \$20,000 for work done on the property.

#### **State v. Frank O'Brien d/b/a MM Entertainment Tours**

After receiving approximately 15 consumer complaints that these consumers had paid deposits totaling about \$1,800 to Defendant O'Brien for bus tours that never occurred, this matter was investigated by the Attorney General's Consumer Protection Unit. After negotiations with Defendant O'Brien, an assurance of voluntary compliance, including both injunctive relief and restitution for consumers, was executed by the parties. The assurance of voluntary compliance was entered as an order of the Court, allowing the Attorney General to enforce its provisions.

#### **State v. Marlaina G. Raposa d/b/a Triple Threat Performing Arts Center**

The Attorney General's Consumer Protection Unit received a number of complaints from consumers who had paid for goods and services from the defendant's dance studio. The dance studio had abruptly closed without providing those goods and services. After a period of unsuccessful negotiations between the Consumer Protection Unit and the defendant, the Attorney General instituted suit. The defendant was defaulted and judgment entered in favor of the State in the amount of \$16,000.

#### **State v. EDMC, et al.**

This was a multistate matter settled through a consent judgment addressing allegations that the defendants, which operate for-profit schools, made misrepresentations to their students. The settlement provides significant reforms to EDMC's practice of recruiting

students for its online and on-ground campuses. It addresses key aspects of the enrollment process and puts an administrator in place to monitor and oversee EDMC's compliance. The focus is on consumer relief, so there was no money for the states in this settlement, which is expected to benefit 79 Rhode Island students who will be forgiven a total amount of debt of approximately \$88,890. This is about \$1,125 per student. The rationale for providing relief to these students is that they enrolled at EDMC without significant college experience and dropped out early enough that they gained nothing from the school, in spite of having incurred debt.

**State v. T-Mobile USA, Inc.**

This multistate matter was settled through an assurance voluntary compliance that was entered as an order of the Superior Court. The investigation commenced based on allegations of mobile cramming, where T-Mobile was passing unauthorized charges to consumers from third party vendors. The States received \$18 million from T-Mobile, with Rhode Island's share approximately \$198,000.

**State v. Amgen, Inc.**

This matter was disposed of through a consent judgment, entered as an order of the Superior Court. This settlement closes a multistate investigation of Amgen's marketing and promotion of several drugs. The consent judgment contains both monetary and injunctive relief, and Rhode Island received approximately \$760,000 from the settlement.

**State v. Sirius XM**

This multistate investigation was resolved through an assurance of voluntary compliance, entered as an order of the Superior Court. The agreement, containing both monetary and injunctive relief, concluded an investigation into deceptive marketing and sales practices by Sirius XM. Rhode Island received approximately \$48,000, in addition to consumer restitution and certain injunctive remedies.

**State v. Sprint Corporation and State v. Verizon**

These multistate settlements, disposed of through Rhode Island-specific assurances of voluntary compliance, were entered as orders by the Superior Court. The terms of the settlements resolve consumers' allegations of mobile cramming. The agreements include both monetary and injunctive relief. Rhode Island received approximately \$131,000 from the Sprint settlement and approximately \$175,000 from the Verizon settlement.

**In re: RS Legacy Corporation ("Radio Shack")**

This was a multistate matter involving unredeemed gift certificates held by customers of RadioShack. RadioShack filed for bankruptcy protection and the Bankruptcy Court granted the debtors' motion for an order authorizing and approving settlement among the debtors, the Official Committee of Unsecured Creditors and the State of Texas and disallowing claims asserted by states related to gift cards. The Attorney General joined with other states in presenting a letter to the Bankruptcy Court in support of Texas' motion that would resolve the gift certificate issue on behalf of Rhode Island consumers holding unredeemed Radio Shack gift cards. Individual consumers nationwide were given 12 months to file their own respective proofs of claim and, for unredeemed gift cards that were purchased, receive

payment in full as priority creditors. Treating consumers holding unredeemed purchased gift cards as priority creditors is in the public interest and highly appropriate under the facts of this case and the law.

#### **State v. Chase Bank**

This multistate investigation into allegations of unfair and deceptive collection practices by Chase Bank was settled through an assurance of voluntary compliance containing both monetary and other provisions. The terms of the assurance of voluntary compliance were entered as an order of the Superior Court and are meant to eliminate Chase's unfair debt collection practices. Rhode Island received approximately \$240,000 through this settlement.

#### **State v. Experian Information Solutions, Inc., Equifax Information Services, LLC, and TransUnion, LLC**

This multistate settlement, through an assurance of voluntary compliance, was entered as an order of the Superior Court. The genesis of this matter is that a multistate group was formed to investigate the credit reporting industry in response to consumer complaints that these credit reporting agencies do not maintain reasonable procedures to assure maximum possible accuracy of consumer reports or credit reports, do not maintain reasonable procedures to conduct reinvestigations of consumer disputes, engage in improper disclosure or marketing practices relating to the sale of direct-to-consumer products to consumers during credit report dispute phone calls, and do not maintain reasonable procedures designed to prevent the reappearance in consumer reports or credit reports of information that is deleted or suppressed from display in such consumer reports or credit reports pursuant to a reinvestigation. The global \$6,000,000 settlement contained both injunctive and monetary relief, including a payment of approximately \$90,300 to the State of Rhode Island.

#### **In re: Multistate Investigation of Volkswagen Emissions Testing**

The Attorney General joined this multistate consumer investigation concerning Volkswagen's implantation of software in diesel-powered automobiles for the purpose of deceiving emissions testing devices. This is a sub-group of the NAAG Autos Working Group.

#### **In re: Chips & PINS**

The Attorney General signed onto a multistate Attorneys General letter to the major companies in the credit card industry encouraging them to proactively move to have chips and PINs installed in all of their credit cards as added security against hackers searching for private information/data.

#### ***Environmental Advocacy Cases***

##### **Kilmartin v. Barbuto (Misquamicut Beach litigation)**

In 2013, Attorney General Kilmartin filed suit in Superior Court seeking to enforce the public's rights to enjoy a nearly two-mile section of the Misquamicut beach-front. The suit sought to enjoin specific beach-front lot owners from interfering with the public's claimed right to use this dry sand area, alleging that this strand was dedicated by a recorded 1909

subdivision plan. In 2015, the Attorney General filed an appeal before the R.I. Supreme Court to contest an adverse superior court ruling. This appeal is still pending.

**Coit v. Rhode Island Recycled Metals, LLC & AARE LLC.**

This arises from the defendants' alleged ongoing violations on a site along Providence River. The alleged violations include the dismantling of derelict vessels in a manner that results in oil pollution and physical obstructions. The State seeks receivership.

**Renz v. DEM.**

The Attorney General is opposing a voluminous suit by a neighbor against DEM and the Block Island Land Trust for maintaining conservation lands in their pristine state.

**Coit v. Cocolli**

This Superior Court enforcement action by Attorney General Kilmartin seeks to protect North Providence from a leaky tank at a factory. A trial is expected in 2016.

**The Preserve at Boulder Hills, LLC v. Evans and the State of RI**

The North-South trail is a 23-year-old hiking trail that crosses the length of the State in its western part — sort of the Appalachian trail of RI. A dispute arose several years ago over the roadway that forms part of the N-S trail. A lawsuit ensued. The State has no formal deed to the section of roadbed. Nonetheless, given the public's use of the site, the Attorney General believes that the State should undertake an active role in the litigation in order to ensure the public's continued right to the use the North-South Trail. The Attorney General is involved to assure that non-motorized recreational use shall not perish from this location.

**West Virginia v. EPA**

RI and other states intervened in support of EPA's Clean Air Act standards for existing power plants, which would significantly reduce greenhouse gas emissions in the U.S. Although the matter is still in the early briefing stage before the D.C. Circuit Court of Appeals, as 2015 drew to a close the Supreme Court was considering imposing an unusual stay on the regulations, something that Rhode Island opposed.

**Michigan v. EPA**

Attorney General Kilmartin and other states intervened to support EPA's Mercury and Air Toxics Rule. The U.S. Supreme Court remanded the case back to D.C. Circuit to allow EPA to reconsider the cost of the Rule (set of regulations). Despite this set-back, the Attorney General remains confident that the Rule will ultimately be upheld.

**Coit v. Iannotti (Smithfield Service Station)**

All remaining work on site clean-up is completed. Administrative penalty of \$44,000 is outstanding, however, and is being pursued.

**Coit v. Tillinghast**

This case involves a longstanding Superior Court action to enforce terms of a consent agreement regarding significant wetlands violations, which has culminated in a final order. Wetlands replication work is now ongoing.

**Kilmartin, Attorney General, and Coit, Director, v. Davis.**

This is an ongoing collection of judgment for costs incurred in the cleanup of a massive tire dump. The State is seeking \$2.8 million from the defendant.

***Open Government Lawsuits*****State v. Western Coventry Fire District**

The Department of Attorney General received a complaint contending that the Fire District violated the Open Meetings Act (OMA) when it failed to timely post the unofficial minutes for its September 18, 2014 meeting. Because this Department's review determined that the Fire District violated the OMA by posting these minutes in an untimely manner, and because the evidence demonstrated that the Fire District was aware of its statutory obligations, this Department filed a lawsuit in Superior Court seeking civil fines. A settlement was reached and the Fire District paid a \$1,000 fine.

**State v. Warwick Retirement Board**

The Department of Attorney General received a complaint alleging that the Warwick Retirement Board violated the OMA when it failed to post notice for a public meeting within a minimum of 48 hours before the date of the meeting, and when it discussed matters in closed session that were not appropriate under the exemption cited. The evidence revealed that the Board had actual knowledge that the notice had not been properly posted yet convened the meeting. In addition, the Board failed to provide any explanation concerning why the executive session discussion was appropriate under the exemption cited. Accordingly, this Department filed a lawsuit in Superior Court seeking civil fines and the Board agreed to pay a \$2,000 fine.

**State v. Manville Fire Department/District**

The Manville Fire Department received an Access to Public Records Act (APRA) request. After extending the time to respond to the request, however, the Fire Department/District failed to further respond until approximately seven months after the APRA request was filed. Given all the evidence, including the Fire Department's/District's past APRA violation, this Department concluded that the Fire Department/District willfully and knowingly, or recklessly, violated the APRA when it failed to respond to the APRA request in a timely manner. A lawsuit was filed in Superior Court seeking civil fines. A settlement agreement was reached where the Fire Department/District agreed to pay a \$1,500 fine.

**State v. Albion Fire District**

Pursuant to R.I. Gen. Laws § 38-2-3.16, "the chief administrator of each public agency and each public body shall state in writing to the attorney general that all officers and employees who have the authority to grant or deny persons or entitles access to records under the [Access to Public Records Act] have been provided orientation and training." The

Fire District failed to submit the required forms by January 1, 2015. This Department notified the Fire District of its omission on three occasions; however, no certification forms were received. Accordingly, this Department initiated an Access to Public Records Act investigation into the Fire District's failure to timely comply with R.I. Gen. Laws § 38-2-3.16 and concluded that the Fire District willfully and knowingly, or recklessly, violated the APRA when it failed to comply with R.I. Gen. Laws § 38-2-3.16. A lawsuit was filed in Superior Court and this matter is pending.

#### **State v. Nasonville Fire Department/District**

The Department of Attorney General received a complaint contending that the Fire Department/District violated the APRA when it failed to timely respond to the International Association of Fire Fighters' APRA request. We found that the Department/District willfully and knowingly, or recklessly, violated the APRA by failing to provide a timely response and filed a civil lawsuit against the Department/District. A settlement was reached and the Department/District paid a \$1,500 fine.

#### **Criminal Division**

During 2015, the Criminal Division brought 71 cases to trial. Of those cases tried, prosecutors secured 66 verdicts. In 2015, 47 defendants were found guilty of their offenses and 19 were found not guilty, 2 trials resulted in mistrials, and 3 were dismissed by judgment of acquittal. The following are some of the significant trials and convictions handled this year by Division prosecutors.

#### **State v. Marcus Acevedo**

Marcus Acevedo was found guilty by a jury of two counts of first degree child molestation. The defendant was sentenced to 20 years with 12 years to serve and the remainder suspended with probation. In addition, the defendant must comply with the State's sex offender registration and community notification statute upon release.

#### **State v. Antonio Acosta**

The defendant was found guilty by a jury of three counts of second degree child molestation and one count of first degree child molestation. He was sentenced to 15 years to serve. In addition, Acosta was ordered to have no contact with the victim and must participate in sex offender counseling while incarcerated and comply with the State's sex offender and community notification statute upon release.

#### **State v. Elizabeth Adams**

Elizabeth Adams pleaded nolo contendere to one count of obtaining money under false pretenses for falsely reporting that she was injured while working for Stephen H. Chafee Roofing Company, and as a result, collecting more than \$5,000 in workers' compensation insurance benefits. She was sentenced to ten years, with two years to serve on home confinement and the remainder suspended with probation, and ordered to pay restitution in the amount of \$12,000 to Liberty Mutual Insurance and the State of Rhode Island.



**State v. James Adams**

James Adams was found guilty by a jury of the July 2012 murder of Mary Grier. In addition, Adams was found guilty of two counts of assault with a dangerous weapon, one count of first degree robbery, and one count of possession of a firearm while having been previously convicted of a crime of violence. The charges are from three separate incidents involving three separate victims. Adams was sentenced to life plus 10 years to serve for the murder. Additionally, he was sentenced to 75 years on the first degree robbery charge, to run consecutive to the murder and felony assault charges, and 10 years on the charge of possession of a firearm while having been previously convicted of a crime of violence, consecutive to all other sentences.

**State v. Ashner "Pookie" Alexis**

Ashner "Pookie" Alexis, who was found guilty in 2014 by a jury for the February 4, 2014 murder of George Holland, Jr., was sentenced in 2015 to consecutive life sentences plus 10 years.

**State v. Emmanuel Algaria**

Emmanuel Algaria pleaded nolo contendere to voluntary manslaughter in the death of his 24-year-old girlfriend, Catherine Salvi. Algaria was sentenced to 30 years, with 18 years to serve and the remainder suspended with probation. In addition, Algaria was ordered to undergo domestic violence counseling and to have no contact with his minor child until the child is 18 years old.

**State v. Deven Auclair**

The defendant pleaded nolo contendere to an amended charge of manslaughter for the December 30, 2012 death of Simon Hernandez. The defendant received a sentence of 25 years with 10 years to serve and 15 years suspended with probation.

**State v. Robert Ault**

The defendant pleaded nolo contendere and to domestic felony assault. He was sentenced to 10 years with five and one half years to serve and the remainder suspended with probation.

**State v. Mamadou Bah**

Mamadou Bah was found guilty by a jury of second degree child molestation in a trial before Superior Court Associate Justice Daniel A. Procaccini. Bah failed to appear for his sentencing before Judge Procaccini, at which time a warrant was issued for his arrest.

**State v. Sendra Beauregard**

The defendant was found guilty of 2<sup>nd</sup> degree murder and discharge of a firearm resulting in death in the killing of Pamela Donahue. In March, 2016, the defendant was sentenced to consecutive life sentences.

**State v. Alain Bedame**

Alain Bedame pleaded guilty to second degree murder, conspiracy to commit murder, and discharge of a firearm resulting in injury in the 2014 murder of George Holland. He was

sentenced to 50 years, with 30 years to serve and the remainder suspended with probation, for charge of murder; 10 years to serve for charge of conspiracy, to run concurrent; and 20 years suspended with probation, non-parolable, for the charge of discharge of a firearm, to run consecutive.

#### **State v. James Bell**

The defendant was a fugitive from justice for more than a decade after he failed to appear for a pre-trial conference in 2004 where he was charged with multiple counts of child molestation stemming from when he worked at the Newport County YMCA as a gymnastics coach. The FBI located and arrested Bell in Spokane, Washington on April 29, 2015. He was returned to Rhode Island, where he later pleaded nolo contendere to seven counts of second degree child molestation. Under the terms of the plea agreement, Bell was sentenced to 20 years with eight years to serve and the remainder suspended with probation. In addition, Bell was ordered to undergo sex offender counseling and, upon release, must comply with sex offender registration and community notification.

#### **State v. Kyle Bell and Juan Catala**

The defendants were charged with one count of obtaining money under false pretenses and one count of conspiracy arising from a mortgage fraud. Bell pleaded nolo contendere and was sentenced to five years suspended with probation. The case against co-defendant Juan Catala is scheduled for trial in early 2016.

#### **State v. Brian J. Betances**

Brian J. Betances pleaded nolo contendere to one count of obtaining money under false pretenses for collecting nearly \$17,000 in unemployment insurance benefits while he was working full time. Betances was sentenced to two years suspended with probation and ordered to pay restitution in the amount of \$16,917 to the State of Rhode Island within two years.

#### **State v. Robert Bethea**

Robert Bethea pleaded guilty to the murder of his estranged wife Shelina Moreino on Mother's Day 2014. Under the terms of the plea agreement, Bethea was sentenced to life in prison.

#### **State v. Chaquiro Blandino**

The defendant was found guilty by a jury in the drive-by shooting murder of Francis Rodriguez. Blandino was found guilty of first degree murder, discharge of a firearm while committing a crime of violence resulting in death, assault with a dangerous weapon, discharge of a firearm while committing a crime of violence (assault), discharge of a firearm from a motor vehicle creating a risk of death, and carrying a firearm without a license. He was sentenced to two life sentences to run consecutive, plus 10 years to serve.

#### **State v. Joao Branco**

Joao M. Branco pleaded nolo contendere to one count of obtaining money under false pretenses for collecting more than \$22,000 in unemployment insurance benefits while he was employed with Durham D&M LLC, Warrenville IL. Branco was sentenced to 10 years

probation and ordered to pay restitution in the amount of \$22,015 to the State of Rhode Island.

**State v. Omar Brown**

The defendant pleaded nolo contendere to possession of more than one kilogram of cocaine, conspiracy of possession with intent to deliver, and possession with intent to deliver. The defendant was sentenced to 20 years with five years to serve and the remainder suspended with probation.

**State v. Amilcar Cabral**

The defendant pleaded nolo contendere to domestic assault and violation of a no contact order, which was his third domestic abuse offense. He was sentenced to five years with 21 months to serve and the remainder suspended with probation.

**State v. Jorge Cardenas**

Jorge Cardenas pleaded nolo contendere to one count of failure to report earnings in order to obtain workers' compensation benefits and one count of worker's compensation fraud for collecting more than \$3,000 in workers' compensation insurance benefits while he worked for a dry cleaning business in Cumberland, Rhode Island. Cardenas was sentenced to three years probation on each count and ordered to pay full restitution in the amount of \$3,110 in fraudulently obtained worker's compensation benefits and \$8,879 in surveillance costs for a total of \$11,990 in restitution.

**State v. Jason Cardoso**

Jason Cardoso was found guilty by a jury of first degree robbery. He was sentenced to 18 years with 13 years to serve and the remainder suspended with probation.

**State v. John Cavanaugh**

John Cavanaugh was found guilty by a jury in 2014 for the molestation and sexual assault of a young girl in the 1990s. In 2015, he was sentenced to life in prison. Should he be released, he must comply with the State's sex offender registration and community notification statute.

**State v. Noah Cook**

The defendant was found guilty by a jury of domestic felony assault. He was sentenced to 10 years with two years and six months to serve and the remainder suspended with probation. In addition, he was ordered to participate in a batterer's intervention program and was ordered to have no contact with the victim.

**State v. Jose Colon**

Jose Colon was found guilty by a jury of first degree child molestation for molesting a six-year-old in 2001 at his apartment in Warwick. He was sentenced to 50 years with 35 years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. John Cope**

John Cope waived indictment and pleaded nolo contendere to manslaughter for the November 2014 death of 78-year-old Erick Brandon. Brandon died as a result of a punch to the head by Cope. Under the terms of the plea agreement, Cope was sentenced to 30 years with ten years to serve and the remainder suspended with probation.

**State v. Anthony Delfarno**

The defendant was charged with obtaining money under false pretenses by attempting to sell artwork to a doctor who lived in California. He pleaded nolo contendere and was sentenced to a 10 year suspended sentence with probation and ordered to pay restitution in the amount of \$75,000. At the time of the plea, the defendant had been sentenced to 65 months to serve by a federal court for tax evasion.

**State v. Joshua DeJesus**

Joshua "J Boog" DeJesus, associated with the Burnside criminal street gang, pleaded guilty to felony assault, discharging a firearm while committing a crime of violence, carrying a firearm without a license, and drive-by shooting. Under the terms of the plea agreement, DeJesus was sentenced to a total of 38 years with 18 years to serve and the remainder suspended with probation, without the benefit of parole.

**State v. Michael Desautel**

The defendant pleaded nolo contendere to domestic strangulation. He was sentenced to 10 years with six years to serve and the remainder suspended with probation.

**State v. Brian Desmarais**

Brian Desmarais pleaded nolo contendere before a Family Court to two counts of sex trafficking of a minor and one count of conspiracy to commit sex trafficking of a minor. Under the terms of the plea agreement, Desmarais received a certified sentence of 10 years with 19 months plus two days to serve and the remainder suspended with probation.

**State v. Francisco Diaz**

After being found guilty by a jury of firearms and assault charges for the attempted murder of his estranged girlfriend and her mother, the defendant was sentenced to 50 years, 20 of which is non-parolable.

**State v. Pedro Diaz**

Pedro Diaz pleaded nolo contendere to one count of obtaining money under false pretenses for collecting more than \$19,000 in unemployment insurance benefits while he was working and failed to report his wages. Diaz was sentenced to six years probation and ordered to pay restitution in the amount of \$19,010 to the State of Rhode Island.

**State v. Reinaldo Diaz**

The defendant pleaded nolo contendere to 2<sup>nd</sup> degree sexual assault and domestic felony assault. He was sentenced to 20 years with 10 years to serve and the remainder suspended with probation.

**State v. Judier Dixon**

Judier Dixon pleaded guilty to the June 2013 murder of 46-year-old Richard Arenas and the May 2012 shooting of Amaury Santos. Under the terms of the plea agreement, Dixon was sentenced to life plus 20 years. Dixon shot and killed Richard Arenas in his driveway while he was working on a motor vehicle. It is believed that Arenas was not the intended target of the shooting.

**State v. Barbara Flaherty**

The defendant pleaded nolo contendere to one count of embezzlement for stealing more than \$190,000 from her father between 2009 and 2011. The defendant served as Power of Attorney for her father and failed to pay for his care as a nursing home. She was sentenced to 20 years suspended with probation and ordered to pay full restitution.

**State v. Antonio Fortes and State v. William Andrews**

The defendants were part of a fraudulent check ring where numerous individuals would deposit fraudulent checks into their bank accounts and withdraw funds before the banks would realize the checks were fraudulent. Both defendants pleaded nolo contendere and were sentenced to 10 years suspended with probation. In addition, they were ordered to pay restitution in the amount of \$15,500. Both defendants received 10 years suspended with probation and were ordered to pay restitution in the amount of \$15,500 jointly and severally. In a separate case, Fortes is facing murder and weapons charges in the October 22, 2104 shooting death of Terry Robinson.

**State v. Troy Footman**

Troy Footman was found guilty by a jury guilty of two counts of sex trafficking a minor, two counts of pandering, and one count of operating a motor vehicle on a suspended license. Footman, who has not yet been sentenced, is facing a maximum of 91 years in prison.

**State v. Khaled Gabr**

Khaled Gabr pleaded nolo contendere to misappropriation of funds over \$1,000 and attempting to obtain money under false pretenses. Under the terms of the plea agreement, Gabr was sentenced to a total of 20 years with three years to serve and the remainder suspended with probation. In addition, Gabr was ordered to pay restitution in the amount of one million dollars by the end of his 20-year sentence.

**State v. Jayquan Garlington**

Jayquan Garlington, a known associate of the YNIC criminal street gang, pleaded guilty to carrying a pistol without a license and possession of a firearm by a convicted felon. Under the terms of the plea agreement, Garlington was sentenced to 25 years with 14 years to serve and the remainder suspended with probation.

**State v. Daniel Gautreau**

Daniel Gautreau pleaded nolo contendere to DUI death resulting and driving to endanger bodily injury resulting for a crash that killed passenger 21-year-old Dominic Guziejka and injured passenger Christopher Ruffe. Gautreau was sentenced to 15 years with 8 years to serve and remainder suspended with probation. In addition, Gautreau was ordered to pay a

\$5,000 fine and undergo a substance evaluation, and had his license suspended for five years once he is released from home confinement.

**State v. Charles Gibbons, Donnie Hall, and Juan Young**

Charles Gibbons, Donnie Hall, and Juan Young pleaded guilty to the October 14, 2014 armed robbery of the Shop n Go store on Union Street in Providence. Under the terms of the plea agreements, Gibbons was sentenced to 41 years with 21 years to serve and the remainder suspended with probation, 10 of which is non-parolable; Hall was sentenced to 39 years with 19 years to serve and the remainder suspended with probation, 10 of which is non-parolable; and Juan Young, who cooperated with the investigation, was sentenced to 18 years with eight years to serve and the remainder suspended with probation, non-parolable.

**State v. David Girard**

David Girard pleaded guilty to three counts of first degree child molestation and three counts of second degree child molestation. He was sentenced to 60 years with 27 years to serve and the remainder suspended with probation. In addition, he was ordered to undergo sex offender counseling and can have no contact with the victims. Upon release from the ACI, Girard is subject to lifetime community notification and registration and GPS monitoring.

**State v. Carl Graham**

Carl Graham pleaded nolo contendere to one count of obtaining money under false pretenses over \$1,500 for fraudulently collecting more than \$17,000 in unemployment insurance benefits while he was working at Amos House and AIDS Care Ocean State. Under the terms of the plea agreement, Graham was sentenced to eight years suspended with probation and ordered to pay restitution in the amount of \$17,679.

**State v. Jason Hadley**

Jason H. Hadley pleaded nolo contendere to one count of obtaining money under false pretenses for collecting more than \$38,000 in unemployment insurance benefits while he was employed by R.P. Iannucillo & Sons, Inc., in Providence. Hadley was sentenced to a seven year sentence, suspended with probation, and ordered to pay restitution in the amount of \$38,287 to the State of Rhode Island.

**State v. David Hindle**

The defendant waived indictment and pleaded nolo contendere to two counts of first degree sexual assault. He was sentenced to 40 years with 18 years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Derell Johnson**

Derell Johnson pleaded nolo contendere to second degree murder and first degree robbery. The charges are related to the April 1, 2015 death of Briana Giorgio. Under the terms of the plea agreement, Johnson was sentenced to life plus 15 years to serve, the sentences to run consecutive.

**State v. William Kellogg**

The defendant pleaded nolo contendere to second degree child molestation. He was sentenced to nine years to serve. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Calvin Kilgore**

The defendant pleaded guilty to second degree child molestation. He was sentenced to 20 years with six years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Jeanette Lawrence**

The defendant pleaded nolo contendere to three counts of DUI serious bodily injury. She was sentenced to 10 years with three years to serve and the remainder suspended with probation, a two year loss of license, a \$1,000 fine, and 100 hours of community service.

**State v. Danielle Lefebvre**

The defendant was found guilty after a trial of 1<sup>st</sup> degree child abuse for abusing her six-week-old son. She was sentenced to 20 years with 18 years to serve with the remainder suspended with probation.

**State v. Jose Lopez**

Jose Lopez was found guilty by a jury in January 2015 for the 2013 Christmas Eve murder of Ryan Almeida at the Galego Court Housing Development in Pawtucket. He was sentenced to consecutive life sentences.

**State v. Randy Lopez**

Randy Lopez pleaded guilty to possession with intent to deliver crack cocaine, two counts of possession of firearm after being previously convicted for crime of violence, and possession of a firearm with an altered serial number. Under the terms of the plea agreement, Lopez was sentenced to 35 years with 15 years to serve and the remainder suspended with probation on the new charges. Lopez, who was on probation for a 2009 robbery at the time of the new charges, was also sentenced to an additional 10 years, non-parolable, to run concurrent, as a probation violator.

**State v. Orlando Luciano**

Orlando Luciano pleaded guilty to two counts of assault with a dangerous weapon, carrying a firearm without a license, and discharge of a firearm resulting in injury. Luciano received a total sentence of 37 years with 17 to serve and the remainder suspended with probation, non-parolable.

**State v. Thomas Lumpkins**

Thomas Lumpkins, a known associate of the H-Block criminal street gang, pleaded guilty to possession of heroin and marijuana and possession of a firearm after being previously convicted of a crime of violence. Under the terms of the plea agreement, Lumpkins was sentenced to 20 years with 12 years to serve and the remainder suspended with probation.



**State v. Lussier**

The defendant was found guilty after a jury-waived trial of felony assault resulting in serious bodily injury. He was sentenced to seven years suspended with probation.

**State v. Amanda Lyons**

Amanda Lyons pleaded nolo to DUI death resulting, driving to endanger death resulting, and possession of a controlled substance. Under the terms of the plea agreement, Lyons was sentenced to a total of 15 years with five years to serve and the remainder suspended with probation. In addition, Lyons was ordered to pay a \$5,000 fine, must undergo substance abuse counseling, and received a five year loss of license upon release from the ACI.

**State v. Paul Mahfouz**

Paul Mahfouz was found guilty by a jury of embezzling more than \$5,000 from the Rhode Island Lottery, as well as unlawful appropriation in an unrelated matter. He was sentenced to five years, with six months to serve and the remainder suspended with probation. In addition, Mahfouz was ordered to pay full restitution in the total amount of \$36,064.

**State v. Andre Marizan**

Andre Marizan was found guilty by a jury of first degree sexual assault. He was sentenced to 40 years, with 25 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim, undergo sex offender counseling, and comply with the sex offender registration and notification requirements upon release.

**State v. William Marks**

The defendant pleaded nolo contendere to second degree child molestation. He was sentenced to 10 years with three years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Carnell Marrow**

Carnell Marrow, a Level III sex offender, pleaded nolo contendere for failure to register as a sex offender. Under the terms of the plea agreement, Marrow was sentenced to 10 years with eight years to serve and the remainder suspended with probation.

**State v. Robert Martin**

Robert Martin pleaded guilty to one count of second degree child molestation. Under the terms of the plea agreement, Martin was sentenced to 30 years, with 15 years to serve and the remainder suspended with probation. In addition, Martin was ordered to have no contact with the victim, must undergo sex offender counseling, and will be subject to sex offender registration and community notification upon his release.

**State v. Edmond McNeil**

Edmond McNeil pled nolo contendere to one count of obtaining money under false pretenses for collecting more than \$10,750 in unemployment insurance benefits while he was

employed. McNeil was sentenced to six years probation and ordered to pay restitution in the amount of \$10,757 to the State of Rhode Island.

**State v. Esteban Miliano**

Esteban Miliano pleaded nolo contendere to two counts of obtaining money under false pretenses over \$1,500 for collecting more than \$27,000 in unemployment insurance benefits while he was employed at Sitecon Corporation in Cranston. Miliano was sentenced to seven years suspended with probation and ordered to pay restitution in the amount of \$27,681 to the State of Rhode Island.

**State v. Gregory Mitten**

Gregory P. Mitton pleaded nolo contendere to one count of obtaining money under false pretenses for collecting more than \$15,000 in unemployment insurance benefits while he was employed. Mitton was sentenced to six years and six months probation and ordered to pay restitution in the amount of \$15,906 to the State of Rhode Island.

**State v. Anthony "Bing" Moore**

Anthony "Bing" Moore who was found guilty in 2014 by a jury for his role in the February 4, 2014 murder of George Holland, Jr., was sentenced in 2015 to consecutive life sentences plus 10 years.

**State v. Fernando Morales**

The defendant pleaded nolo contendere to a violation of a no contact order, which was his third domestic abuse conviction. He was sentenced to 10 years with three years to serve and the remainder suspended with probation.

**State v. Stephen Mulcahey**

Stephen Mulcahey was found guilty by a jury of one count of first degree sexual assault. Mulcahey was sentenced to 35 years, 20 to serve, and 15 years suspended with probation and must comply with the State's sex offender registration and community notification statute upon release.

**State v. Seydina Ndoye**

Seydina Ndoye pleaded guilty to second degree murder, conspiracy to commit murder, and discharge of a firearm resulting in injury in the 2014 murder of George Holland. He was sentenced to 50 years, with 30 years to serve and the remainder suspended with probation, for charge of murder; 10 years to serve for charge of conspiracy, to run concurrent; and 20 years suspended with probation, non-parolable, for the charge of discharge of a firearm, to run consecutive.

**State v. Antonio Neri**

Antonio Neri pleaded nolo contendere to possession of a firearm after being previously convicted of a crime of violence and possession of marijuana with intent to deliver. Under the terms of the plea agreement, the defendant was sentenced to 20 years with 10 years to serve and the remainder suspended with probation. Neri had been previously convicted of assault

with a dangerous weapon in 1998 and was prohibited from possessing a firearm. Neri was operating an illegal marijuana grow.

**State v. Nigel Nichols**

Nigel Nichols was found guilty by a jury of the 2009 murder of David Thomas and Domingo Ortiz and injuring Dwayne Thomas. He was sentenced to four consecutive life sentences.

**State v. Khari Northup**

Khari Northup pleaded guilty to assault with a dangerous weapon (a .25 caliber pistol), discharge of a firearm while in the commission of a crime of violence, and possession of a firearm without a license. Northup, a known member of the Hartford Soldiers criminal street gang, was sentenced to 40 years with 20 years to serve and the remainder suspended with probation, non-parolable.

**State v. Hector Nunez**

The defendant pleaded guilty to first degree child molestation. He was sentenced to 25 years with nine years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Jose Oliver**

The defendant pleaded guilty to first degree child molestation. He was sentenced to 25 years with eight years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Mario Pacheco**

Mario Pacheco pleaded nolo contendere to one count of larceny over \$1,500 for collecting approximately \$14,500 in unemployment insurance benefits while he was working for Rhode Island Nurseries. Pacheco was sentenced to 10 years probation and ordered to pay restitution in the amount of \$14,497 to the State of Rhode Island.

**State v. Michael Patino**

Michael Patino was found guilty of second degree murder in the 2009 beating death of six-year-old Marco Nieves. Patino was later sentenced to life in prison.

**State v. Abel Perdigao**

Abel M. Perdigao pleaded nolo contendere to one count of obtaining money under false pretenses for collecting over \$8,000 in unemployment insurance benefits while he was working. Perdigao was sentenced to three years probation and ordered to pay restitution in the amount of \$8,683 to the State of Rhode Island.

**State v. Miguel Perez**

Miguel Perez pleaded guilty to burglary, conspiracy, and assault charges related to a violent home invasion on Forsyth Street in Providence. He was sentenced to 40 years with 20 years to serve and the remainder suspended with probation, non-parolable.

**State v. Jesse Perry**

Jesse Perry, a former Bristol youth football coach, was found guilty in a jury-waived trial of two counts of first degree child molestation and one count of second degree child molestation. He was sentenced to life in prison. In addition, he was ordered to have no contact with the victim, and should he be released, must comply with sex offender registration and community notification statute.

**State v. Richard Perry**

Richard Perry pleaded nolo contendere to three counts of second degree child molestation. Under the terms of the plea agreement, which was reached with the approval of the victims, Perry was sentenced to 30 years with 10 years to serve and the remainder suspended with probation. In addition, he was ordered to undergo sex offender counseling and must comply with State's sex offender registration and community notification Statute upon release.

**State v. Antonio Peterson**

The defendant pleaded nolo contendere to second degree child molestation. He was sentenced to 25 years with eight years to serve and the remainder suspended. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Justin Pine**

Justin Pine pleaded nolo contendere to possession of a firearm after being convicted of a crime of violence and possession of a firearm without a license. Under the terms of the plea agreement, Pine was sentenced to 20 years with ten years to serve and the remainder suspended with probation.

**State v. David Pope**

David Pope pleaded nolo contendere one count of first degree child molestation after having molested a minor with whom he had a close relationship. Under the terms of the plea agreement, Pope was sentenced to 30 years with 10 years to serve and the remainder suspended with probation. In addition, Pope was ordered to have no contact with the victim, must undergo sex offender counseling, and is subject to lifetime community notification, registration, and GPS monitoring. Pope also pleaded nolo contendere to one count of fraudulent use of a credit card from 2008 and was ordered to pay restitution of approximately \$19,000.

**State v. Joshua Rathbun**

Joshua Rathbun was found guilty of two counts of first degree child molestation in a jury-waived trial. He was sentenced to 40 years, with 25 years to serve and the remainder suspended with probation. In addition, he was ordered to attend sex offender counseling and is subject to the State's sex offender registration and community notification statute upon release.

**State v. Katrina C. Roy**

Katrina Roy pleaded nolo contendere to one count of obtaining money under false pretenses for collecting nearly \$18,000 in unemployment insurance benefits while she was working full-

time for Lifespan Corporation. Roy was sentenced to 10 years probation and ordered to pay restitution in the amount of \$17,924 to the State of Rhode Island.

**State v. Sandry Russell**

Sandry Russell pleaded guilty to burglary, felony assault, using a firearm while committing a crime of violence, and possession of a firearm while being previously convicted of a crime of violence. Under the terms of the plea agreement, Russell was sentenced to 33 years with 13 years to serve and the remainder suspended with probation, without the benefit of parole.

**State v. Ernest Sabourin**

The defendant was found guilty by a jury of two counts of first degree sexual assault, one count of second degree sexual assault, and two counts of simple assault. He was sentenced to 25 years to serve, and was ordered to have no contact with the victim, undergo sex offender counseling, and comply with the sex offender registration and community notification requirements upon release.

**State v. George Santos**

The defendant pleaded nolo contendere to second degree child molestation and possession of child pornography. He was sentenced to 25 years with 13 years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification upon release.

**State v. Derek L. Sedastiao**

Derek Sedastiao pleaded nolo contendere to obtaining money under false pretenses for collecting over \$21,000 in unemployment insurance benefits while he was working for Lonsdale Concrete in Cumberland, RI. Sebastiao was sentenced to five years probation and ordered to pay restitution in the amount of \$21,720 to the State of Rhode Island.

**State v. Daniel Serrano**

Daniel Serrano pleaded nolo contendere to second degree murder for the 1990 murder of 32-year-old Michael Holliday. Serrano was sentenced to 30 years to serve. In February of 1990, Serrano beat Holliday to death. A workman later found Holliday's body in a vacant apartment on Somerset Street in Providence. The case remained unsolved until Serrano confessed to Providence detectives on December 27, 2013.

**State v. Kimberly Shaw**

Kimberly Shaw pleaded nolo contendere to four counts of first degree child molestation. She was sentenced to 40 years, with 18 to serve and the remainder suspended with probation. In addition, Shaw is ordered to have no contact with the two victims, ordered to undergo sex offender counseling, and must comply with the State's sex offender registration and community notification statute. Shaw was also ordered to have no unsupervised contact with children under the age of 16.

**State v. Austin Smart**

The defendant pleaded nolo contendere to second degree child molestation. He was sentenced to eight years with three years to serve and the remainder suspended with

probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Stella Tabiti**

Stella Tabiti pleaded nolo contendere to one count of obtaining money under false pretenses over \$1,500 for fraudulently collecting more than \$18,000 in unemployment insurance benefits while she was working at United Cerebral Palsy of Rhode Island in Pawtucket and Griffin Healthcare Services in Providence. Under the terms of the plea agreement, Tabiti was sentenced to three years probation and ordered to pay restitution in the amount of \$18,764 to the State of Rhode Island. Tabiti made an initial payment of \$2,000 was ordered to pay \$558 per month for 30 months.

**State v. Cesar Vasquez**

Cesar Vasquez was found guilty by a jury of four counts of first degree child molestation. In January 2016, he was sentenced to 45 years with 30 to serve and the remainder suspended with probation. In addition, he was ordered to under sex offender counseling and must comply with the State's sex offender registration and community notification statute upon his release.

**State v. Josean Velazquez**

The defendant pleaded guilty to first degree child molestation. He was sentenced to 20 years with seven years to serve and the remainder suspended with probation. In addition, he must comply with the State's sex offender registration and community notification statute upon release.

**State v. Willie Washington**

The defendant was found guilty after trial of carrying a firearm without a license, discharge of a firearm while committing a crime of violence, possession of a firearm after previously being convicted of a crime of violence, and felony assault. The defendant was a passenger in a Volvo SUV that pulled up behind a parked Hyundai on the Providence College campus, which was operated by Rudy Basquez, who was making a food delivery to a nearby residence. The driver of the Volvo beeped his horn to indicate that the Hyundai should move, and Basquez confronted the operators of the SUV. Washington stepped out of the vehicle and opened fire, striking Basquez in the arm with a bullet. In March 2016, Washington was sentenced to 60 years to serve, 20 of which are non-parolable.

**State v. David Lee Waters**

The defendant was found guilty after a jury-waived trial of assault on a person over 60 years of age. He was sentenced to four years suspended with probation, and ordered to undergo anger management counseling, perform 100 hours of community service, and pay restitution.

**State v. Evan Watson**

Evan Waston pleaded guilty to burglary, conspiracy, weapons, and assault charges related to a violent home invasion on Forsyth Street in Providence. He was sentenced to 40 years with 30 years to serve and the remainder suspended with probation, non-parolable.

**State v. Jason Williams**

Jason Williams pleaded nolo contendere to multiple counts of breaking and entering throughout several towns in Rhode Island. Under the terms of the plea agreement, the defendant was sentenced to 25 years with eight years to serve and the remainder suspended with probation. In addition, the defendant was ordered to pay restitution for the items he stole from the homeowners. Williams broke into several homes in the towns of Lincoln, Johnston, Burrillville, Cranston, Narragansett, Richmond, and South Kingstown, stealing jewelry and cash.

**State v. Robert Winston**

Robert Winston, who pleaded guilty to his role in the February 4, 2014 murder of George Holland, Jr., was sentenced in 2015 to 30 years with 26 to serve, with the remainder suspended with probation.

***Appellate Division*****State v. D'Alessio, 101 A.3d 1270 (R.I. 2014)**

The Rhode Island Supreme Court affirmed the Superior Court's denial of the defendant's post-conviction relief challenge to his April 2002 "shaken baby" murder conviction. In this high profile case in which defendant asserted the existence of purported Brady evidence going to the expert testimony that had implicated him in the baby's murder, the Court agreed with the State that the evidence did not warrant the granting of a new trial.

**State v. Whiting, 115 A.3d 956 (R.I. 2015)**

The Rhode Island Supreme Court affirmed the Superior Court conviction of the defendant, the former North Providence Police Chief, of felony larceny and criminal solicitation, held, in agreement with the argument advanced by the State, that an amendment to the larceny statute increasing the threshold for felony larceny from \$500 to \$1,500 did not apply retroactively to the defendant in this case.

**In State v. Wray, 101 A.3d 884 (R.I. 2014),**

The Rhode Island Supreme Court, for the first time in many years, clarified the provisions of the law governing when, or when not, a criminal defendant is entitled to "credit for time" served while awaiting trial or sentencing.

**State v. Verry, 102 A.3d 631 (R.I. 2014)**

The Rhode Island Supreme Court affirmed over the defendant's argument that the trial court had erroneously precluded him from investigating before trial certain genetic-testing results, the defendant's conviction for the brutal assault of an infant less than two months old.

**State v. Tully, 110 A.3d 1181 (R.I. 2015),**

The Rhode Island Supreme Court affirmed the defendant's conviction for having murdered a young man in Providence on May 30, 2012. In so affirming, the Court rejected the defendant's argument that the jury verdict was legally inconsistent, and that the evidence was insufficient to sustain the jury's verdict of guilt.

**State v. Matthews, 111 A.3d 390 (R.I. 2015)**

The Rhode Island Supreme Court upheld a disorderly conduct conviction arising out of the defendant's actions in Newport, Rhode Island on January 31, 2012, and clarified the law in this jurisdiction with respect to the First Amendment protection afforded an arrestee who insults or threatens law enforcement officers.

**State v. Tucker, 111 A.3d 376 (R.I. 2015)**

The Rhode Island Supreme Court affirmed the defendant's conviction for the brutal and horrific pre-dawn November 21, 2006, first degree murder of a young woman, a murder carried out in order to prevent the young woman from going to police about other serious crimes committed by the defendant. In affirming the three consecutive life sentences imposed upon the defendant for his crimes, the Court held that the State had properly presented evidence of the defendant's involvement in a separate murder plot, in Florida – rejecting the defendant's contention that such evidence should have been precluded at trial.

**State v. Nickerson, 94 A.3d 1116 (R.I. 2014)**

The Rhode Island Supreme Court affirmed the defendant's first-degree sexual assault conviction of a young woman randomly targeted by the defendant in June of 2007. In so affirming, the Court rejected the defendant's argument that the State had committed any discovery violation in belatedly disclosing to the defense three pages of forensic notes taken by a DNA-analyzer who had testified for the State at trial.

**In States v. Virola, 115 A.3d 980 (R.I. 2015)**

The Rhode Island Supreme Court affirmed the defendant's conviction for the August 16, 2004 murder of a young man. In so doing, it rejected the defendant's argument that the evidence presented by the State warranted the granting of a new trial, and determined that the testimony of a State's key witness – that the defendant blamed his possessive behavior on being wanted by law enforcement – was, indeed, relevant to the State's case against the defendant.

**State v. Raymond D. Tempest Jr., C.A. No. PM-2004-1896**, a case in which

The State defended, in the Superior Court, against a concerted effort by Mr. Tempest's counsel to undo his April 1992 conviction for the brutal February 19, 1982, murder of Doreen Picard. While the post-conviction relief hearing justice, after a several-month-long evidentiary hearing, did grant the petition with respect to several of the eighteen alleged issues, the State appealed the Superior Court determination to the Rhode Island Supreme Court.



SUPERIOR COURT CASE STATISTICS 2015												
FILED				DISPOSED				ACTIVE PENDING SC				
COUNTY	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	MISD	FELONY	TOTAL		
KENT COUNTY	68	790	858	57	724	781	70		1483	1553		
NEWPORT COUNTY	13	351	364	6	267	273	14		503	517		
WASHINGTON COUNTY	160	4404	4564	142	3730	3872	245		6393	6638		
PROVIDENCE COUNTY	48	520	568	42	349	391	48		756	804		
STATEWIDE	289	6065	6354	247	5070	5317	377		9135	9512		
AGE AT DISPOSITION												
LESS THAN 90 DAYS			91-180 DAYS			181-270 DAYS			271-360 DAYS			OVER 360 DAYS
COUNTY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY
KENT COUNTY	48	289	10	160	10	90	3	90	5	120		
NEWPORT COUNTY	47	97	2	70	0	42	0	42	2	40		
WASHINGTON COUNTY	154	1550	46	610	22	540	20	540	15	666		
PROVIDENCE COUNTY	128	156	3	86	5	40	7	40	3	45		
STATEWIDE	377	2092	61	926	37	712	30	712	25	871		
MANNER OF DISPOSITIONS - FELONIES												
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	TRIALS (AG)	VERDICTS		
KENT COUNTY	13	4	0	612	72	1	0	0	18	17		
NEWPORT COUNTY	0	1	3	209	42	0	1	0	2	1		
WASHINGTON COUNTY	1	0	1	2916	448	0	1	0	2	1		
PROVIDENCE COUNTY	31	13	3	264	61	1	0	0	45	44		
STATEWIDE	45	18	7	4001	623	2	2	0	67	63		
MANNER OF DISPOSITION - MISDEMEANOR APPEALS												
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	TRIALS (AG)	VERDICTS		
KENT COUNTY	1	0	53	9	46	0	0	0	1	1		
NEWPORT COUNTY	0	0	6	5	2	0	0	0	0	0		
WASHINGTON COUNTY	0	0	114	44	94	0	0	0	0	0		
PROVIDENCE COUNTY	1	1	39	17	34	1	0	0	3	2		
STATEWIDE	2	1	212	75	176	1	0	0	4	3		
MANNER OF DISPOSITION - STATEWIDE TOTALS												
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	TRIALS (AG)	VERDICTS		
KENT COUNTY	14	4	53	621	118	1	0	0	19	18		
NEWPORT COUNTY	0	1	9	214	44	0	1	0	2	1		
WASHINGTON COUNTY	1	0	115	2960	542	0	1	0	5	1		
PROVIDENCE COUNTY	32	14	42	281	95	0	0	0	46	46		
STATEWIDE	47	19	219	4076	799	3	2	0	71	66		

Statistics were prepared by the Criminal Division based upon Case Management System (CMS) data on February 26, 2016. AG Trial Verdict Statistics were maintained manually within the Criminal Division and include all cases tried throughout the calendar year, regardless of whether sentencing or appeal is pending.



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